

PHOTOGRAPH BY REV. J. J. DOKE IN WHOSE HOUSE GANDHIJI WAS CONVALESCING AFTER THE ASSAULT

THE COLLECTED WORKS OF MAHATMA GANDHI

VIII

(January-August 1908)

सत्यमेव जयते

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PREFACE

This volume, which covers the first eight months of 1908, begins and ends on a note of protest. Well before the Transvaal had become self-governing and the Dutch Party came to power, Indians had with awesome unanimity declared, in their mass meeting of September 1906, that they would never consent to remain pass-bearing helots among the white Spartans. This is the volume of Gandhiji's first satyagraha, and its principal challenge for the reader is: why did the compact so earnestly arrived at between the Government and the Asiatic communities fail? The compromise aroused hopes without fulfilling them and the volume dramatically ends with a bonfire of Asiatic passes—a poignant gesture of peaceful defiance by an unenfranchised community. Indians were far from becoming Lord Ampthill's "partners in the Empire". Shocked as he was by what he called Smuts' "breach of the compromise", Gandhiji still speaks with a righteous and conciliatory voice that is not afraid to hope. Until the last he is appealing "from the new to the old Liberals", from Elgin and Morley to Ampthill, Chamberlain and Rhodes, from those who saw Liberalism as a procedure rather than a principle and were thus inhibited from altering the course of Colonial events by an illusory regard for the freedom of the self-governing colonies to others for whom Imperialism was still a mission of raising subject races to the level of their rulers. In this philosophy, Gandhiji still saw hope and a belief in the possibility of human growth and improvement. Liberalism had been fouled by a misreading of Bentham and by his "greatest good of the greatest number" which militated against racial minorities. In South Africa it had resulted only in the sanctification of popular prejudice and in mandatory democracy. Thus it fell to a believer to show not only—as Mr. Pollock touchingly observed—what true Imperialism meant (p. 150), but that Liberalism had lost its nerve.

On December 28, 1907, Gandhiji was sentenced to leave the Colony within 48 hours, as he had refused to register under the hateful Asiatic Registration Act. Like much else that happens in this volume, there was nothing fortuitous about the punishment that the Government chose for this "ring leader" of the Indians. Under the Immigrants' Restriction Act for which temporizing Royal assent had been skilfully obtained, Smuts had already armed himself with the power of deportation which no British Government in the Transvaal had ever possessed. Moreover, the Act could be used, in conjunction with the Asiatic Act, to exclude educated Indians in

whom Smuts saw the source of disaffection. Many of the apparent contradictions in Smuts' speech and action become resolved in the view that he acted consistently on the belief that satyagraha was a contrived campaign of agitation without basis in felt grievances. In the last resort, deportation of the ring leaders was the decisive solution to the Indian problem and, if the resident Indians could be made to endorse this remedy, Smuts would have been glad to "fob them off with trinkets". In fact, he declared at Richmond that he had entered into the compact only to reduce the Asiatic population in the Colony (p.505). Seen thus his intention acquires a unity. Yet the issue of educated Asiatics did not come to a head till June 22, 1908. The image of the Colonial Secretary that emerges from these pages is that of a cautious person, determined of purpose and misleadingly reticent. Cautious because he was yet new to power and unsure of an Imperial Government which had fought a war ostensibly in defence of British Indians' rights; he knew the hazards of politics in a plural society and had to pick his way gingerly among many rival claims and interests. His reticence was that of a mind made up which revealed itself only through action. And for his determination of purpose, this volume is valuable testimony.

On January 10, Gandhiji, Thambi Naidoo and Leung Quinn were sentenced to two months' imprisonment for having disobeyed the earlier order of the Court. And many vital spirits followed them there. In jail, Gandhiji was reading Carlyle and Ruskin amidst the discomforts of prison life and his political anxieties; he saw something of himself in Socrates whose life had been a long satyagraha against a society entrenched in error and prejudice. On January 21, Mr. Cartwright, the "angel of peace", who had himself gone to prison earlier for the sake of conscience, came to visit Gandhiji in jail and to discuss proposals for a compromise. Cartwright belonged to that wing of the Progressive Party which was disposed to take the responsibilities of Imperialism seriously. And he brought a draft letter which had been approved if not drafted by General Smuts.

Gandhiji's changes in the draft letter (pp. 40-2) evidence an astute and far-seeing intelligence that also made for accord. The compromise letter had been so drawn up as "not to shock the whites" and oral promises—such as the repeal of the Asiatic Registration Act — were unrecorded. He sought in the main to secure the domiciliary rights of Indians then outside the Transvaal: many of these were refugees who had left the Colony during the Boer War and persons, both within and without, holding £3 Dutch certificates as their title of residence. He also asked for the exemption of children from voluntary registration and above all insisted that voluntary registrants should be

exempt not only from the "penalties of the Act" but the Act itself. If these changes were not acceded to, Gandhiji and his co-satyagrahis were willing to continue in jail. For honour was "a state of mind that does not countenance the loss of a right" and so was satyagraha.

Gandhiji met Smuts on January 30 and again on February 3, and made sure (1) that voluntary registration would not be validated under the Asiatic Registration Act but by amendment of the Immigrants' Restriction Act instead or by other acceptable means and (2) that the Asiatic Registration Act would be repealed "during the next session" of Parliament. This private promise was publicly confirmed by Smuts in his speech of February 6 at Richmond (pp. 504-5). In fact, Gandhiji drew up a notice at Chamney's instance in the Indian and Chinese languages, promising repeal of the Act "if the Asiatic communities carried out their compact" (p. 437). This was from his sick-bed in Doke's house where he was convalescing after an assault on him.

Voluntary registration, which Indians offered as a body for the first time on September 11, 1906 and again on March 29, 1907, would secure the legitimate objectives of the Government—the identification, in particular, of all Asiatics lawfully resident in the Colony. This offer was in return for the repeal of the Asiatic Registration Act which rested on an unproven charge that the bulk of Indians in the Transvaal had entered the Colony by fraudulent means. It was thus implicatory legislation and cast a slur on the community as a whole. The Transvaal Government had held out against the Indians' offer for over a year; that it was eventually accepted shows the magnitude of the Indian achievement which the compromise represented. But Indians must not become overweening, for it was not their triumph but a victory for truth. In their finest hour, therefore, Gandhiji tirelessly enjoined humility on fellow-Indians and himself practised it in order to save General Smuts embarrassment in the eyes of his white electorate.

Writing on May 9, however, the happy healer allows himself a paean of joy, confident that the clean wound he has made will soon mend: ". . . almost every Asiatic . . . has allowed himself to be identified afresh. Of the eight thousand odd applications made, six thousand have already been approved and passed. This is a creditable record on either side. . . . It now remains for the Government . . . to repeal the Asiatic Act, and to legalize voluntary registration in a manner acceptable. . . . The Colonial principle [of restricting entry of new-comers] has been accepted by the Indian community. There need, therefore, be no further cause for friction." (p. 222.) But General Smuts wanted more.

The weeks wore on, and meanwhile the compromise remained an unredeemed promise. The Indians and the Chinese had unilaterally fulfilled their undertaking but they had neither the power nor the means to make the Government do likewise. Whether or not Smuts wilfully broke a promise rightly forms the subject-matter of *Satyagraha in South Africa*. "He has wrecked," Gandhiji says, "a whole compromise to avoid the possible accession...of two thousand Asiatics...." In fact, Smuts went one better; he was prepared to let the 2,000 Asiatics outside the Colony come in if only he could get the resident Indians to barter away the rights of those whom they did not represent and collaborate with the Government in keeping out a handful of educated Asiatics. He sought not merely, as he claimed, to limit and reduce the Asiatic population of the Colony but to deprive it, as Gandhiji argued, of the leadership necessary for its "organic growth". On the other hand, Gandhiji was importunate in his entreaties with the Colonial Secretary and unremitting in his advice to his own countrymen. In either case he spoke in cadences of utter earnestness and, indeed, to some his advice must have sounded harsh, touched as it was with a self-denying ability to see the other point of view. "A Dialogue on the Compromise" (pp. 76-86) is a model of political persuasion and it was laughably absurd to have called this "humble interpreter" an instigator. It was in the implementation of the laconic compromise letter that Smuts' reservations became progressively manifest. The refugees who left the Colony before the Boer War might come in; the five hundred with Dutch certificates might stay on and the thousand without might come in too. Asiatics might even have recourse to courts of law against Chamney's decisions on the domiciliary claims of voluntary registrants. But, on the question of educated Asiatics, General Smuts was unrelenting. He would not repeal the Asiatic Registration Act unless the Indians agreed to his interpretation of the Immigrants' Restriction Act and thereby endorsed the complete exclusion, in future, of their educated countrymen from the Colony. The failure of the compromise was announced on June 22. And Asiatics were now worse off than they were before voluntary registration.

Meanwhile the spectre of the obnoxious law had been revived. On May 12, the redoubtable Mr. Chamney declared that Asiatics entering the Colony after May 9 had to register under it. Smuts confirmed on May 22 that the Act was to be retained on the Statute-book and, on July 7, Mr. Chamney warned that Asiatic traders would have to comply with the Act and affix their thumb-impressions on their licence applications. And satyagraha was resumed. A technique of jail-going was evolved by which every consenting member of the

community would embark on a state of "self-imposed suffering" so that their genuine needs could be tested and measured through such suffering. Even the "blacklegs" were asked to contribute their mite so that they could feel a healing sense of participation. Voluntary registrants, who had trading licences issued to them up to December 31, 1908, refused to produce them on demand, and were arrested. Others whose licences expired on June 30 refused to affix thumb-impressions on their applications for renewal of the licences. Essop Mia and other respectable Indians led the way by taking to unlicensed hawking as a means of courting arrest. Yet others crossed the border and refused identification while re-entering the Colony, in order to defy the law. Finally, when the good offices of European mediators had proved unavailing and the negotiations broke down, Asiatics assembled at the mass meetings of August 16 and 23 to burn their voluntary certificates and thus invalidate them. There was an impressive unanimity about this act of corporate "dis-registering" which showed conclusively that the campaign against the Asiatic Registration Act was not "manufactured".

The rhetoric and logic of satyagraha are never allowed to exceed its empirical mood. For instance the technique of jail-going was designed as much to register a protest as to show up the anomalies of the law against which satyagraha had all along been directed. For instance there was to be a law for incoming Asiatics and another for voluntary registrants. Again, the Government demanded thumb-impressions from traders after having secured fuller identification. At each stage of *satyagraha* then the emphasis was on argument rather than on agitation.

Satyagraha is at once a burnished sword "whetted with our hearts" and a refulgent light which dazzles the enemy into submission to Truth which "is superior to General Smuts . . . and me". It chastens without humbling. It is a communing state of goodness in which it is given to one to feel purified by suffering for others. The sequel to the assault admirably vivifies that state. There is a transparent sincerity, which is altogether without affectation, about Gandhiji's message from his sick-bed in which he hastens to announce his forgiveness of his assailants. After all, he had all but anticipated "my reward" (pp. 93-7). "If violence is to be used against anyone, let it be first used against me." (p. 55.) Also, satyagraha calls for a transcendence of fear which is the cause of much human depravity. The satyagrahi must in his action achieve fidelity to what is ineffably felt in the centre of his being. It becomes one's duty and right to strive for equality for there can be no love or friendship except among equals. When the higher courage of satyagraha fails or is wholly wanting, and the compelling

challenge of force or injustice has to be faced, one must prefer violence to timidity. (p. 280.) "One must be prepared to die in order to be able to live. And in order to win one's rights, one must do one's duty." (p. 302.) Truth, courage and satyagraha are thus all aspects of a total attitude. Accordingly, the Asiatic Registration Act was "contrary to my independence...and my conscience". The gentle restraints which Gandhiji's humane morality prescribes must be understood therefore in relation to a passionately held concept of duty. Approval is thus not wholly denied to necessary military achievement. "When Japan's brave heroes forced the Russians to bite the dust of the battle-field, the sun rose in the East. And it now shines on all the nations of Asia. The people of the East will never, never again submit to insult from the insolent whites." (p. 324.) But truth soon recalls him to moderation: "East and West are no more than names....There is no people to whom the moral life is a special mission." (p. 211.)

NOTE TO THE READER

The petitions and representations addressed to various authorities, communications to the Press, and resolutions adopted at meetings, which are included in this Volume, are attributed to Gandhiji on grounds similar to those explained in the Preface to Volume I. Where there are special reasons for the inclusion of particular items, these have been set out in footnotes. Gandhiji's unsigned writings in *Indian Opinion* have been identified on the strength of his general testimony in his autobiographical writings, the opinion of his associates, Chhaganlal Gandhi and H. S. L. Polak, and other available evidence.

In reproducing English material, every endeavour has been made to adhere strictly to the original. Obvious typographical errors have been corrected and words abbreviated in the text spelt out. Variant spellings of names have, however, been retained as in the original.

Matter in square brackets has been supplied by the Editors. Quoted passages, where these are in English, have been set up in small type and printed with an indent. Reports of speeches and Court proceedings in indirect speech and passages which are not by Gandhiji have been set up in small type.

While translating from the Gujarati, efforts have been made to achieve fidelity and also readability as English. While translating Gandhiji's Gujarati renderings, the English original, whenever available, has been consulted.

The date of an item has been indicated at the top right-hand corner; if the original is undated, the inferred date is printed within square brackets, giving reasons where necessary. The date given at the end of an item alongside of the source is that of publication.

References to Volume I of this series are to the August, 1958 edition. References to *An Autobiography or The Story of My Experiments with Truth* and *Satyagraha in South Africa* cite only the Part and Chapter in view of the varying pagination in different editions.

In the source-line, the symbol S. N. stands for documents available in the Sabarmati Sangrahalaya, Ahmedabad; C. W. denotes letters secured by the Collected Works of Mahatma Gandhi.

The Appendices provide extraneous material relevant to the text. A list of sources and a chronology for the period covered by the Volume are also provided at the end.

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For research and reference facilities, we owe thanks to the All-India Congress Committee Library, the Gandhi Smarak Sangrahalaya, the Indian Council of World Affairs Library and the Research and Reference Division of the Ministry of Information and Broadcasting, New Delhi; the Sabarmati Sangrahalaya and the Gujarat Vidyapith Granthalaya, Ahmedabad; Shri Pyarelal Nayyar, New Delhi; the Public Library, Johannesburg; and the British Museum, London.

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ILLUSTRATIONS

1. TRIAL OF EX-SOLDIERS[1]

[JOHANNESBURG,
January 3, 1908]

...two Indians, whose cases were postponed when Mr. Gandhi and the others were dealt with first, were brought up and charged with contravening the Asiatic Registration Ordinance by not being in possession of a certificate of registration....Something like a thousand or 1,500 of Mr. Gandhi's compatriots assembled in and around the Court, and a subdued murmur of many voices, perfectly audible in Court, testified to the interest taken in the proceedings.

...Nawab Khan[2], an ex-soldier of the Indian Army, was charged.

...Mr. Gandhi did not ask any questions, and he put the accused in the witness-box. He examined him as follows:

[GANDHIJI:] You are a Jamadar?

[ACCUSED:] Yes.

You came to the Transvaal at the time of the War?

Yes, during the War.

Attached to the transport corps?

Yes.

What expeditions have you served in?

Burmah, Chitral, Black Hill, Tirah Expedition (1897), and the Transvaal War.

And you were wounded three times?

Twice I was shot, and once I was cut over the eye.

Your father was attached to Lord Roberts'[3] staff when he went to Kandahar?

Yes, he was Subadar Major.

Witness said he was in charge of the Native police on the C.S.A. Railways[4].

The Magistrate said the evidence did not affect the position.

MR. GANDHI: You have refused to take out a registration certificate under the new Act?

[1] These cases had been postponed on December 28, 1907, when Gandhiji and some other Indians were tried. *Vide* Vol. VII, pp. 463-8.

[2] For his petition to the High Commissioner, *vide* Vol. VII, pp. 385-6.

[3] Frederick Sleigh Roberts of Kandahar, Pretoria and Waterford (1832-1914); Field Marshal and Commander-in-Chief, India, 1885-93; C-in-C, South Africa, 1899-1900; Colonel-in-Chief, Overseas and Indian Forces in Europe, during World War I, 1914; author of *Forty-one Years in India.* During the Boer War, Gandhiji's Natal Indian Ambulance Corps carried his son's body from the field; *vide Autobiography*, Part III, Ch. X. After the War, Roberts was in charge of the occupation forces in the Transvaal; Gandhiji mentions his pro-Indian sympathies during this period; *vide* Vol. III, p. 303. For message of congratulations on his relief of Kimberley, *vide* Vol. III, p. 143.

[4] Central South African Railways

I will not take it out under the new Act.

Will you explain your reasons?

[ACCUSED:] Because it would ruin me altogether if I did so.

Mr. Jordan, in giving his decision, said the accused was not registered, and he must register. Since the hearing of the last cases on the 28th he had been approached by both Indians and Chinese, and they had informed him that this question of the finger-prints had nothing at all to do with their religion, absolutely nothing.... Mr. Jordan added that the accused was a different class of man to the ordinary coolies, the basketwallahs, and he ought to know better than to refuse to register; he ought to register. Accused would have to leave the Colony within 14 days.

Accused, in reply to what the Magistrate had said as to his being a different class to some of his compatriots, said in this matter they were all united. They would leave the country and go to gaol together.

CAME WITH LORD ROBERTS

Sumandar Khan, a Pathan, an ex-soldier of the Indian Army, who had also at least one wound to show, was next charged with the same offence.

...In reply to questions by Mr. Gandhi, Sumandar Khan said he came to this Colony with Lord Roberts. He had previously served 30 years in the Indian Army. He was present at the engagement at Paardekop and received a bullet wound in the right thigh. He was orderly at the Asiatic Office at Pretoria.

[GANDHIJI:] You don't want to submit to this Act?

[ACCUSED:] No.

Have you been frightened by anyone?

No, who will frighten me? If I am even hanged I won't register.

You have just paid a visit to India?

Yes.

And have just returned?

Yes, about two weeks.

MR. JORDAN: Can you write?

[ACCUSED:] No.

How did you get your pay in India?

I used to make a mark.

Did you not put your finger-print?

No.

This concluded the evidence.

Mr. Gandhi said the remarks that had fallen from the Bench came as somewhat of a surprise to him. His Worship had stated that some Indians and Chinese had approached him and stated they were afraid to register. Fortunately, or unfortunately, the Court had before it two soldiers who were not likely to be frightened by anybody at all, and in fact the last witness had said that he was not likely to be frightened.

MAGISTRATE: You know perfectly well, Mr. Gandhi, there is a great deal of difference between the plain tribes and hill tribes; this man belongs to the hill tribes.

Mr. Gandhi said there was a very great difference, but there was no question of

fright at all, and if there were any question of fright the arm of the law was long enough and strong enough to protect the meanest subject in the country.

MR. JORDAN: I have no doubt it will be.

Mr. Gandhi said he did think it was futile to suggest that anyone had been frightened into not taking out a registration certificate and, as one of the witnesses had said, there was absolutely no question of thumb-impression or finger-prints. It was a question that touched the vitals of the community. It was a question of compulsion or a voluntary act.

Mr. Jordan said if Mr. Gandhi liked to hold a meeting outside, he could do so.

MR. GANDHI: The Bench has led the way or otherwise I would have held my peace.

MR. JORDAN: I won't allow any more. It has nothing to do with the case.

MR. GANDHI: I do not wish the public to leave the Court under the impression that the whole of this fight is in connection with the thumb and finger-impressions. The whole of the fight is a struggle for liberty.

Mr. Jordan said that both Indians and Chinese had come to him and alleged they were intimidated and were frightened to go and register by a number of people and that was the reason they have for not registering.

An order was made that the accused should leave the Colony within 14 days.

Indian Opinion, 11-1-1908

2. *RAM SUNDAR "PUNDIT"*

Ram Sundar is no longer a "pundit", and so we have had that part of his name set up in smaller type. "Pundit" was a title he himself had assumed. But now that he has lost the qualities of one, he should no longer be known by that name.

We apologize to our readers for earlier having showered praises on Ram Sundar in this journal, for having used grand epithets to describe him and held up his attitude to the law as an example.[1] We are guiltless for we were misled; we were unaware of the facts. We have a saying that no one can divine what lies in the heart of a man or in the hollow of a drum. We could not peer into Ram Sundar's heart. We believed his professions and thought him brave. We will continue to do so with others in future. That is the only way for man to live in society. It will be to claim omniscience to suspect one who is apparently sincere, or to shun his company. God alone knows the hearts of men. We can only know people through their actions. We admired Ram Sundar's conduct, and it was our duty to hold it up before the people. Now that the hypocrite has been unmasked, we have no hesitation in exposing him to our readers. That is our way of atoning for an unwitting error. As far as the community is concerned, Ram Sundar

[1] *Vide* Vol. VII, pp. 363, 378 & 415-6.

is dead as from today. He lives to no purpose. He has poisoned himself by his own hand. Physical death is to be preferred to such social death. He would have enjoyed undying fame if he had been killed in an accident at Germiston before the critical moment when he entrained for Natal. But fate decreed otherwise. Having meanly betrayed the people of Germiston, his community, himself and his family, he has fled like a coward in fear of imprisonment. Even now we pray to God to show him the right path.

We have used bitter words, but in our heart there is compassion for him. It would be cruel to hide his fault. There would have been no need to publicize his faults if we had not extolled his virtues.

We still need to retain the image of Ram Sundar before our eyes. With that image before us, we should pray constantly, 'O Khuda-Ishwar, save us from Ram Sundar's fate. Do not give us only the semblance of courage. Keep us on the right path till the end.' Whenever anyone has unworthy thoughts, let the memory of Ram Sundar startle him into self-contempt and let him turn to God in prayer. We frighten children saying, "Look! Demon!" We should think of Ram Sundar as a demon, and guard ourselves against being possessed by it.

Indians have a long way to go yet. It has been given to us to witness the farce by Ram Sundar early in the campaign. We ought to be grateful to him for that.

[From Gujarati]
Indian Opinion, 4-1-1908

3. *THE DYE HAS SET*[1]

In the Transvaal the campaign has now begun. So far the two sides have only been storing up ammunition. The bugle has sounded, calling Indians to wake up and mount a ceaseless vigil. This is a struggle which the gods themselves may well come down to watch. For we believe the Indian cause to be God's own, and the Government's that of the Devil. Ramchandraji could defeat the ten-headed Ravan with an army of monkeys because he had right on his side. The Indians are in the right; we therefore pledge our word that they will defeat the many-headed monster which the Government is, provided, of course, they remain truthful, courageous and united.

Only cowards will take fright at the thought of what will happen because the Imperial Government has approved the Immigration Act. We had hoped, it is true, for support from the Imperial Government.

[1] A literal rendering of the Gujarati expression which would here mean that events are poised for a climax

In fact, we may still do so. But our prayer is to God alone. Let us see if He forsakes us. History provides no instance of God having ever forsaken anyone; we need not then fear any such contingency.

Does it matter that the Immigration Bill has been passed? [The penalty of] deportation has been added to [that of] imprisonment. The two are first cousins. If one is prepared to stay in gaol for any length of time, will one not be deported? In prison, one is confined within four walls and feels like a caged lion. On deportation, the roaring lion can fill the wilderness with his roars. It is not as if God dwelt only in the Transvaal prisons. He is with us everywhere. Why, then, fear? We have grown used to the idea of going to gaol. We have overcome fear in that measure. When we become used to the idea of deportation, we shall find it preferable [to imprisonment].

There are people who are afraid that the Government may even recover the cost of deportation from those deported. This argument betrays a lack of understanding. If we accept loss in money by going to gaol, why not by deportation? We have accepted such loss as inevitable. We cannot make the best of both worlds. Honour and money, spiritual well-being and [the pleasures of] the body, happiness and misery are the opposite of each other. The Indian community is out to accomplish a formidable task; we hope therefore that the question of money will not enter into its calculations.

The Indians of Johannesburg, Pretoria and Pietersburg were arrested about the time when news of the Immigration Bill having been passed came in. It was a happy augury. The persons who were arrested had been hand-picked [earlier], most of them being fearless individuals who put up a stiff fight against the law. We offer them all our congratulations. We want them to remain unyielding till the last, and keep in view the [admonitory] image of Ram Sundar[1]. Let them face imprisonment. Let them face deportation. By the time this appears in print, they will very likely have been enthroned in gaol already.

Everything depends on a satisfactory answer to the question as to what the others will do. General Smuts deserves to be congratulated on the step that he has taken [of arresting the leaders]. We shall face our real test now. If people at all set any store by their pledge, if their honour is dear to them, there can be no greater misfortune for them than submission to the new law. We should have nothing to do with it whatever happens.

[From Gujarati]
Indian Opinion, 4-1-1908

[1] *Vide* the preceding item.

4. *LETTER TO RECEIVER OF REVENUES*[1]

[JOHANNESBURG,
January 4, 1908][2]

[F. C. BIGGAR, ESQ.
THE RECEIVER OF REVENUES
JOHANNESBURG]

SIR,

My Association has seen the notice in the *Gazette* to the effect that trading licences will not be issued to British Indians unless they can produce registration certificates under the Asiatic Law Amendment Act No. 2 of 1907, and undergo certain other formalities.

My Association understands, too, that several British Indians have applied for licences and formally tendered the licence fee, but that their licences have not been granted, because of the above notice.

On behalf of my Association, therefore, I beg formally to inform you that, as the large majority of British Indians have for conscientious reasons declined to submit to the Asiatic Law Amendment Act, and as it is not possible for Indian traders or hawkers to earn their living otherwise than as traders or hawkers, they are reluctantly compelled to continue their trade without proper licences. I may further add that, should the notice regarding licences be withdrawn, and should you be pleased to grant licences, on a notification from you, the licence fee will be immediately paid and licences taken out by British Indian traders and hawkers.

I have etc.,
[ESSOP MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

The Star, 6-1-1908
Indian Opinion, 11-1-1908

[1] This was very likely drafted by Gandhiji.

[2] The date of this letter is mentioned in the reply sent by the Receiver of Revenues, who said: "In reply I beg to point out to you that Indian traders who are disposed to contravene the law in the manner indicated render themselves liable to the provisions of the Revenue Licence Ordinance, 1905, which imposes heavy penalties on any persons carrying on any trade or business without being in possession of a licence, irrespective of whether the persons are offenders against the requirements of any other statute or not.

"The Press notice on the subject of renewal of licences, 1908, is not of a statutory character, but merely an advisory notice inserted in the papers for the information

5. REPLY TO "THE STAR"

[JOHANNESBURG]

[THE EDITOR
THE STAR
JOHANNESBURG]

SIR,

In your survey of the Asiatic question you say:

> It is the possible effect on the native races, who live under differential legislation themselves which makes it impossible in our opinion for the Government to yield to agitation without loss of prestige now that things have gone as far as they have.

May one infer from this that "if things had not gone as far as they have" the Asiatic case would, in your opinion, be strong enough to require reconsideration? However, whether the inference is justified or not, with your permission, I would merely deal with the religious aspect of the question.

I beg to remind you that the matter wore a religious aspect at the first mass meeting[1], at the old Empire Theatre, in the September of 1906, when the now famous solemn covenant not to submit to the Asiatic Act was, after due deliberation, made by British Indians. The disqualification against Turkish Mahomedans on the ground of religion was then present in the Bill and has always been pointed out as a ground of complaint.[2] In my humble opinion, the solemn obligation by itself constitutes sufficient religious objection against the Act. And a State that overbears such an objection on the part of its inhabitants fails to fulfil its primary duty to respect conscientious scruples.

I shall now endeavour to place before the public the general religious objection. A and B are resident in the same state. B is charged with having committed a fraud. Although both A and B have demanded a public inquiry into the charges, the fraud has never been proved; yet A and his children over the age of eight years, in common with B, are called upon to submit to a punitive measure on account of B's alleged fraud. If A accept that measure, and, for that matter even

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and guidance of the business community. Its publication or withdrawal has no force or effect on the question at issue.

"I need scarcely reiterate what is now so well understood, namely, that my action in refusing to issue licences to Asiatic traders without production of their certificates of registration is governed by the Asiatic Law Amendment Act, 1907, Section 13."

[1] *Vide* Vol. V, pp. 419-23.

[2] *Vide* Vol. VI, pp. 183 & 212.

B, either does violence to his religion, because he surrenders his manhood and his conscience through fear of personal inconvenience or loss. The position of A and B is that of every Asiatic in the Colony. This would be the essential religious objection, even if there were no binding oath and no discrimination against a particular religion.

If it be true that Asiatic feeling has been intensely roused, a concession to that feeling instead of producing an injurious effect on the Native mind, would produce a reassuring effect, in that, if the sentiments of one unrepresented class are respected, those of another such class also, it will be argued, are likely to be respected. Prestige is a high horse which, under conceivable circumstances, may bring down the rider, if he do not take care.

I am etc.,
M. K. GANDHI

The Star, 4-1-1908

6. *INTERVIEW TO "THE STAR"*[1]

[JOHANNESBURG,
January 6, 1908]

Mr. Gandhi, interviewed by a *Star* representative this morning on the situation in general and on the statement made by the Colonial Secretary at Pretoria in particular, said:[2]

Probably General Smuts has no notion of how difficult it made the position of Indians like myself who want to serve both the local Government and the Indian community, when he talks of all Asiatics as coolies. Instead of trying to bridge the gulf, by such language he is only widening it.

LAW 3 OF 1885 AND PEACE PRESERVATION ORDINANCE

General Smuts has evidently mixed up Law No. 3 of 1885 with the Peace Preservation Ordinance. Law 3 of 1885 never stopped the immigration of Asiatics; it merely penalized Indian traders to the extent of £3. If I may go into history a bit, originally this tax upon Indian traders was to be prohibitive, that is to say, £25. Lord Derby protested against it, and it was reduced to £3 in the amending law. This showed that the late Mr. Kruger's Government never aimed at prohibition of Asiatic immigration. As a matter of fact, I well remember the late President having told an Indian traders' deputation that he did not mind Indians coming into the country so long as they helped his farmers

[1] This and the following item are both reports of the same interview.
[2] *Vide* "General Smuts' Speech", pp. 20-1.

to sell their produce; and he did not want Indians to remain in the country on a basis of equality.

FIRST ATTEMPT AT RESTRICTION

The restriction of immigration was only thought of after the British Government was established and the Peace Preservation Ordinance, which was designed only to cope with disloyal people and criminals, was adroitly and effectively used to restrict Indian immigration. It is necessary to bear this distinction in mind because the Asiatic Registration Act is improperly called an amendment of Law 3 of 1885. It inaugurates a new policy altogether so far as British Colonies are concerned and particularly the Transvaal. Before the introduction of the Registration Act there was no question of identification at all except in the Peace Preservation Ordinance. If the identification under the Peace Preservation Ordinance was incomplete a more complete system could have been devised without any new legislation at all as was done by Captain Hamilton Fowle[1], but when there was talk of having a more systematic identification a suggestion was made that the Peace Preservation Ordinance should be amended, and a draft Bill was actually sent by Mr. Duncan[2] to Lord Elgin. That Bill appears in the last Asiatic Blue book. To that no one took any exception at all.

INCEPTION OF REGISTRATION ACT

Subsequently it appears Mr. Lionel Curtis[3] came on the scene, and he rejected the amendment of the Peace Preservation Ordinance, and drafted the present Registration Bill, which deals with the Asiatics as such, and treats them as a class apart. It is this which has so irritated the Indian community. It is perfectly true that there has been some class legislation before, but never of such a drastic type.

ALLEGED INFLUX OF ASIATICS

As regards the influx of British Indians we have always denied it so far as any organized illegal influx is concerned. A little knowledge of the working of the Asiatic Offices ought to show that the forging of permits, after the permits adopted by Captain Fowle came into operation,

[1] Permit Officer

[2] Patrick Duncan, former Colonial Secretary in the Transvaal Government; member of the Legislative Council

[3] Town Clerk of Johannesburg, 1902-3; Assistant Colonial Secretary for Urban Affairs in the Transvaal, 1903-6 and later nominated member of new Transvaal Legislative Council; a pioneer of the Closer Union Movement; had a passion for "scientific method" and "is now known to fame as the missionary for diarchy in India"; *vide Satyagraha in South Africa*, Ch. X; "sole author" of Asiatic Law Amendment Ordinance, designed because equality, according to him, was impossible as between whites and Indians; *vide* Vol. VI, p. 469. *The Progressive Weekly* described him as "one of the rising hopes of the stern and unbending Progressives".

was well nigh impossible. What actually happened was that sometimes wrong men received permits, because they successfully bribed the Asiatic officers in Johannesburg. It was after the British Indian Association had repeatedly brought this corruption to the notice of Sir Arthur Lawley[1] that these officers were removed. When I speak of wrong men I do not mean men who were not entitled to permits, but men who had not the prior right. I know several old refugees who were obliged to make these payments before they could get their permits. All the same such documents were *bona-fide* documents and held by the persons described in them. It was the touts of these officers who handled the enormous sums of money.

A DENIAL

I do deny that "thousands of Indians" who had no right to enter the country have so entered.

The interviewer drew Mr. Gandhi's attention to Mr. Smuts' statement that 5,000 Indians had gone out of the country rather than register, and the latter replied that the majority of these had every right to remain—their right could not be questioned—but they were not strong enough to face the trouble.

The prosecutions, numbering 1,500 during a period of five years, go to show that the Indian contention is correct, namely, that whenever an attempt has been made the Peace Preservation Ordinance has been sufficient to cope with it. It should also be remembered that most of these prosecutions were at the border in connection with men who were trying to enter but failed. It may be as well to mention that 563 convictions took place between November 15, 1902, and February 28, 1903. It should be within the recollection of the public that immediately after peace was declared, although there was a Peace Preservation Ordinance, people came in freely. So did Indians and they were not molested at all. When a large number of refugees began to pour in instructions were sent that no Indians should be allowed to enter without permits. This accounts for the prosecutions during that period. It is quite apparent therefore that there was no fraud but mere ignorance on the part of poor Indians. In any case the number of Indians resident before the war was 15,000. Thirteen thousand permits have been issued under the Peace Preservation Ordinance to British Indians, so we have not reached the number who were in the country before the war.

THE FINGER-PRINTS

Asked had he any further remarks to make on the finger-print, Mr. Gandhi said:

General Smuts has been less than unfair in his allusion to the system. He knew that the finger-prints had never been an essential objection. All digit-impressions will undoubtedly form a bone of contention, because,

[1] Sometime Lieut-Governor of the Transvaal

according to Henry's book, on which General Smuts has relied, digit impressions are required only from criminals who continually hid[e] their identity, and, therefore, necessitate classification. As is clearly shown in the book, thumb-impressions are quite enough to identify. An Indian, if he dared to hide his identity, would immediately be a prohibited immigrant, because his name will not appear in the immigrants' list. It is to the advantage of the immigrant to afford every facility to show that he is the proper person.

The Chief Objections

The chief objections to the Act are that it is based on an unproved charge. It is an attempt to have class legislation of a degrading type, and the Indian community have rightly or wrongly, after the utmost deliberation, bound themselves by a solemn oath[1] not to submit to it. All these things clearly show that there is a complete misunderstanding between the Government and the community affected by the Registration Act. We deny the charges made against us. We have often humbly approached the Government for a judicial inquiry.[2] Surely even now it is not too late to prove the charges if they are capable of being substantiated. Why, for instance, should not a Judge of the High Court or the Chief Magistrate of Johannesburg be appointed to take evidence on the following points: (1) Has there been a surreptitious entry on an organized scale? (2) Is the Peace Preservation Ordinance sufficient to meet any attempt at fraud? (3) Are ten finger-prints required for complete identification? (4) Is it not possible to have a complete identification by slightly amending the Immigration Restriction Act?

With regard to the fourth point, he pointed out that they could not have the Peace Preservation Ordinance permanently on the Statute-book, but the Immigration Restriction Act could be easily amended so as to enable the Government to issue certificates of domicile to all Asiatics, who would otherwise be prohibited immigrants. Such an amendment would avoid the sting of compulsion and unnecessary class legislation and would certainly be considered protective legislation.

Intimidation

Continuing, Mr. Gandhi said:

With regard to intimidation, I can only say that there has been no physical violence whatsoever; ostracism and boycotting, yes! But so long as the Indians remain passive resisters I see no escape from such a course. I speak from personal experience when I state that even Indians who have registered have done so because they have not been able to rise superior to their desire to remain in the Colony at any cost, and

[1] The reference is to Resolution IV passed at mass meeting of September, 1906; *vide* Vol. V, p. 423.

[2] *Vide* Vol. VI, pp. 1, 3, 5, 53-4, 120, etc.

it is not because they like the Act that they have registered. One of the first registrants has written a long letter to *Indian Opinion* regretting that he had to register, and encouraging the community in general to go on with the struggle, and wishing it success. I hold several of such letters privately written by those who have already registered, and in boycotting have we not taken a leaf out of the Boer book? I do not think we have gone so far as the Boers did in connection with the National Scouts.

GENERAL SMUTS' STATEMENT

Mr. Gandhi further said:

With regard to the leaders having deceived the community, I regret that General Smuts has made such a statement. I can say without fear of contradiction that the law has been [ac]curately and widely distributed among the people. That translation by itself has proved a most powerful argument. Every attempt has been made to place before the British Indians what the leaders have considered a true statement regarding the law. If by urging the people to rely on Imperial protection, we have misled, I plead guilty; but I fear that I shall always ask my countrymen to rely on that protection until Lord Elgin proves by actual action that when our handful of British Indians cry for protection against an indignity made in the name of the King and Emperor they are to be thrown overboard without a finger being lifted in order to save them. It may be superstition, but I propose to cherish it. My idea—and even in bringing this statement before my countrymen I have always coupled it with another—is that our ultimate reliance should be on God. It may be that I have misread my countrymen. I certainly welcome the prosecution against some of the leaders of the movement. It will show General Smuts, the public, and even myself whether the opposition to the law is general or whether it is continued only through the influence of two or three Indians. The Indians do not want victory for the sake of it. No matter what may be said against them, they simply call themselves a law-abiding people. All they want is that their solemn covenant should be respected. They want to help the Government, and they would still humbly approach the Government, if only the Government would have more regard for their sentiments.

The Star, 6-1-1908

7. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
January 6, 1908]

A representative of *The Leader* waited upon Mr. Gandhi yesterday and sought from him an expression of opinion upon General Smuts' speech at Mayville on Saturday last[1].

Mr. Gandhi in expressing his willingness to discuss the matter, said:

I wish to make it clear that Indians have no desire to oppose General Smuts or any Colonist, or to place any obstacles in the way of an honourable compromise. The Indians recognize that the only condition on which they can remain in the country is to work smoothly and amicably, and to understand their limitations also. They have always, I venture to think, worked on that basis, and, no matter what may be now said to the contrary, they still remain law-abiding residents of the Transvaal.

[INTERVIEWER:] How does that agree with their present attitude of 'passive resistance'?

[GANDHIJI:] Passive resistance is merely a respectable protest against what they, rightly or wrongly, consider to be a degradation and an offence to religious feeling. The whole speech of General Smuts unfortunately shows that there is absolutely no desire on his part to consult or to reconcile Indian sentiment. I say without hesitation that he has not mastered his facts. For instance, he talks of the oft-denied influx of Asiatics into the country on an organized scale. Speaking for British Indians, I deny it *in toto*. This does not mean that some Indians have not surreptitiously entered this country, but all these can be effectively dealt with, even today, under the Peace Preservation Ordinance. Those who remain in the country without permits, or with

[1] January 4, 1908. General Smuts had made the following points among others: (1) Mr. Gandhi had argued that the Asiatic Act was class legislation "but the whole subject had been dealt with as class legislation since 1885, and the Indians had submitted to it"; (2) "the law had not been passed for chasing the Asiatics out of the country who had been there for 10, 15 or 20 years" but "to recognize all Asiatics who were in the country before the war" and to "stop further immigration"; (3) "no parliament in the country was capable of repealing the Act"; (4) they had the British Government with them and he saw no reason why it should not continue to assist the Transvaal; (5) if the Indians did not submit to the law they must take the consequences. They could be refused licences, placed in prison (about 9,500 of them) which would not be very effectual, or put over the border. The Indians had been misled by their leaders and the Government had arrested these. If they came forward not as individuals but as a whole to be registered then the opportunity would be given them. However, he was not expressing the opinion of the Government but his own.

false permits, can only be hiding themselves in nooks and corners, and those will never be reached by the Asiatic Law Amendment Act. It is not likely that those who have no permits or those who hold documents which are not permits at all, will go to the Registrar in order to receive notice to quit.

The Surreptitious Influx

The allegation as to the surreptitious entering is based on the report[1] that was published last year. That report condemns itself, and, if anything, proves the contrary; 1,500 prosecutions during five years show the effective working of the Peace Preservation Ordinance, and that was the deduction drawn from it by Captain Hamilton Fowle in his report to Lord Milner. Any Indian found without a permit in the Colony can be almost summarily removed, and, if he does not leave the Colony, soon finds himself in gaol. Most of the prosecutions, however, were in connection with Indians who were trying to enter the country, who were successfully prevented from so doing by strict inspection at the border towns. Nor were those Indians necessarily endeavouring to enter fraudulently. They were, in the initial stages, trying to do so under the false belief, shared by many Europeans, that under the British flag there could be no difficulty in them [*sic*] entering, or rather re-entering, the Transvaal, for most of those were Indian refugees waiting at the coast towns for an opportunity of re-entering.

General Smuts talks of forged permits, and in the same breath says it is difficult to say when a permit is forged and when it is genuine. This is preposterous. The permit officials always had counterfoils containing the same numbers as given on the permits issued to applicants, so that a forgery could always be detected. I know that a few months ago an official from the present Registrar's Office circulated some documents which he called permits. The dupes were never able to use those documents at all. They not only lost their money, but their honour. That official is now no longer in the country, but, I believe, left it after he had sufficiently fleeced the people, and after he saw that the fraud was likely to be found out. There never was an office either in Bombay or Delagoa Bay, or in any other place, where the traffic alleged by General Smuts could possibly take place. Touts there undoubtedly were, not in India, but in South Africa, who gave real permits from the Asiatic Office in Johannesburg to refugees, and, in some instances, others who wanted to enter the country.

The Permit Fraud

The fraud was committed in this way. The Asiatic officials in Johannesburg submitted the names to the Colonial Secretary as proper

[1] *Vide* Vol. VI, pp. 413 & 417-8.

applicants for permits. The Colonial Secretary sanctioned the granting of such permits. These names, however, were often faked, though the permits were properly issued and bore proper thumb-impressions, or signatures. In such manner men who were entitled to enter the country had to pay large sums before they could come in, or before their claims were considered. This was three times brought to the notice of Sir Arthur Lawley, who, at last, ordered a prosecution, which proved abortive, but the officials concerned were dismissed, because the charge was proved against them, so far as the department was concerned. But these things show how effective the Peace Preservation Ordinance was. It confuses the issue to talk about Law 3 of 1885 in connection with the influx, and to describe it as inadequate. That law was never intended to control Asiatic immigration. It simply says, "Those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register." Thus it was merely to exact a poll-tax from those who wished to trade in the Transvaal, for Indians were not even bound to register or pay anything. Asiatic immigration was as free as European immigration. The question of restricting such immigration was raised after peace was declared, and the Peace Preservation Ordinance was then utilized, quite improperly, to check Asiatic entry. For some reason or other it was suggested that the Peace Preservation Ordinance should be amended. The Draft Amendment appears at page 9 of the Blue book, *Legislation affecting Asiatics in the Transvaal*, published last[1] year. That would have been quite proper, and British Indians could not have complained. A Draft Amendment of Law 3 of 1885 was also suggested at the same time.

Policy Suddenly Changed

It was quite of a mild type, but suddenly the whole thing was changed, and I believe it was Mr. Lionel Curtis who, after all, changed the whole scope and tenor of such legislation, and who sprung upon the community the draft of the Asiatic Amendment Ordinance, now sanctioned as an Act. It is a misnomer to call it an Amendment of Law 3 of 1885; it really makes a change in the whole Asiatic policy. Class legislation affecting Asiatics has been passed before now, and not much has been heard against it, but the Asiatic Registration Act is absolutely a novel thing, and, based as it is on the false charge above referred to, can never be accepted by the Indian community, more so as the community is bound by a solemn declaration.

It is surprising to me that General Smuts has persistently ignored these things, and asked British Indians to violate their consciences. One would have thought that he, as representing a very strong Government

[1] Actually, it was published in January 1908; *vide* "Blue Book", pp. 104-6.

and an overwhelmingly large number of Europeans, would have sufficient grace and condescension to respect Indian sentiment, so long as he got the essential thing—viz., identification of every Indian or Asiatic residing in the Colony. These he could have had six months ago, and can have even now.

But, Mr. Gandhi, the assertions of General Smuts are very different from yours.

Quite so. I may be told that mine are merely counter-assertions, and that General Smuts must be saying what he knows to be true. I do not ask that the assertions made by the Indian community should be, *ipso facto*, accepted, but I do say that what I have stated above furnishes sufficient ground for a judicial and open enquiry. No reasonable Colonist can take exception to it, and if in the course of that enquiry, it is found that the charges of an influx and statements as to the inadequacy of the Peace Preservation Ordinance are proved there will be something to be said for the Asiatic Registration Act. If, however, the finding of such a commission is in favour of the Indian contention, why should not a strong Government, which also claims to deal with British Indians fairly and justly, acknowledge its mistake and retrace its steps?

Finger-prints

In reply to a question as to what was the real objection to finger-prints, Mr. Gandhi remarked that a lot of good ink and paper had been devoted to this subject, but it had never formed an impossible barrier. As a matter of fact, thumb-impressions have been given voluntarily.

There is, however, a very serious objection to simultaneous digit-impressions, because they have the ring of criminality. According to E. R. Henry's book, simultaneous digit-impressions are required only for classifying criminals; thumb-prints are asked for from illiterates in several departments in India. But the deadlock is created by the Asiatic Act itself. Objections were raised before the regulations were published and promulgated.

Asked to give a statement upon General Smuts' references to intimidation, Mr. Gandhi said the intimidation simply resolved itself into social ostracism against those Indians who had taken out registration certificates, and he very much feared that such ostracism could not be prevented. Asiatics who had registered themselves had acknowledged more than once that they had done an improper act. It was fear that dictated the course, and not their respect for the law.

General Smuts' remark as to deception by the leaders was unfortunate. So far as I am aware, no leader has misled any Indians. The Asiatic law has been translated and distributed broadcast. The protection of the Imperial Government has certainly been placed before the Indian community, and so long as I retain my faith in the Imperial Government and British justice, I shall continue to place it before my countrymen until I find that the whole of the Indian community has been entirely

abandoned by the King-Emperor, in spite of previous promises to the contrary. General Smuts has seen fit to describe our respectable community as a community of coolies. It must not be supposed that Indians do not know these things, or that they do not feel them. Every word that General Smuts has said has been greedily devoured by British Indians, and those who could not read have listened to the translations.[1] Needless to say, those remarks naturally offended them, and so long as he holds British Indians so cheap and denies them the full status of British subjects, so far as their possible freedom and personal movements are concerned, so long must Indians rest content with imprisonment or deportation.

The Leaders

I cannot help congratulating him upon having laid his hands upon the leaders. He will then find out for himself whether the Indian opposition is real or false. The question is: Will he do justice after he finds out the guilty, or will he then put forth the enormous strength he possesses in order to crush a handful of Indians who have never done any harm to any portion of the Transvaal community? Talking of leaders, I must deny that all those who have been arrested have taken a leading part in the agitation. Some of them have never been known to have done anything in connection with the Act, and why should those who are in the employ of the Government be intimidated into registering, on pain of being dismissed[?] I am proud to say that most of the Indian employees of the Government—some of them of long standing—have accepted dismissal rather than register. But if it is true that the agitation has been kept up only by the leaders, why has this extreme procedure been adopted of dismissing even the Indian labourers working on the railways?

The "Irrevocable Law"

Mr. Gandhi then drew attention to General Smuts' concluding remarks, and said he had there laid down a proposition which, if it were to hold good generally, would mean the end of all agitation, healthy or otherwise. General Smuts [had] said that no law could be altered owing to agitation.

Without taking into consideration general laws, affecting all communities, I can cite the instance of the Natal Franchise Law having to be altered on reasonable opposition by the Indian community and on representations by the then Colonial Secretary, and this after Natal received self-government. The Natal Municipal Act still awaits Imperial sanction.[2] In my humble opinion the real strength of the British Empire lies in honourable compromise and in paying regard to the rights and complaints

[1] *Vide* "General Smuts' Speech", pp. 20-1.

[2] *Vide* Vol. VI, p. 338.

of minorities, especially when those minorities are weak or unrepresented. At the time of introducing the Transvaal Municipal Ordinance, Sir Richard Solomon cited the instance of the Coloured people having rejected the Pass Law. That law, so far as I am aware, has never been enforced against them.

What of the numerous interviews the leaders of the Indian community have had with General Smuts? Could you come to no friendly understanding?

There have not been numerous interviews, so far as I am aware. I only know of one[1], but I do know that he has repeatedly rejected all advances from British Indians. It is perfectly true that each time an approach has been made it has been with a view to a repeal of the Asiatic Act. There can be no other course possible for Indians who believe in God, and who are bound by their solemn declaration taken after having had everything placed before them.

The Way out

Is there no honourable way out of the present difficulty?

Yes, Indians have always offered to fulfil the essential object of the Act, viz., to give every facility to the Government for complete identification of British Indians entitled to remain in the Colony. This could have been done voluntarily under the Peace Preservation Ordinance. Now that that Ordinance is virtually repealed, and must be totally repealed if the Asiatic Act is also repealed, the only practical way out of the difficulty is to amend, during the next session of Parliament, the Immigration Restriction Act, so as to embody the necessary clauses for identification, regard being had to the statements always made by the Indian community with reference to minors under 16, and with reference to those who can pass the education test under the Act, which is severe enough.

Asked to elaborate his proposal, Mr. Gandhi said the Immigration Restriction Act, which contains the drastic power of deportation under the hand of the Minister, is ample for every purpose. Let the Asiatic Law Amendment Act of 1907 be entirely withdrawn, and the Immigration Restriction Act be slightly amended so that every Asiatic would become a "prohibited immigrant". That was to say, he would then have to prove that he was entitled to remain in the Colony. If he could produce his certificate issued to him under the Peace Preservation Ordinance, or under Law 3 of 1885, he would be given a certificate of domicile, which would take the place of his former certificate, and other documents at present held, and this new certificate of domicile should contain ample proofs of the identity of the holder. Children under the age of 16 should not be required to take out certificates of domicile, but a complete enumeration of such children would be detailed, together with their names, on the certificates of domicile issued to their parents and guardians. The Immigration Act

[1] *Vide* Vol. VI, pp. 416-7.

already contains sufficiently drastic provisions against trafficking in these certificates of domicile. This scheme, Mr. Gandhi contended, would give the Government all that they reasonably required—viz., it would prevent any further immigration of Asiatics, and would ensure complete identification and registration of all Indians and Asiatics entitled to remain here. Thus the wishes of the Government and the people of the Transvaal would be fully met without putting any unnecessary affront upon the Indians. It has been often said that the Transvaal, being an inland Colony, cannot have an Immigration Act like the Cape or Natal. That, in my opinion, is a mistake. What is meant is that the Immigration Act of the Transvaal should provide for stricter identification than the Natal Act. According to the Natal Act, any Indian can at any time prove his domicile and demand entry. Under the amendment suggested by me, every Indian would have to prove his domicile, or his right of residence in the Transvaal, within a stipulated time, after which he would be for ever stopped. Surely nothing more than this can be required?

The Transvaal Leader, 7-1-1908

8. *INTERVIEW TO REUTER*[1]

[JOHANNESBURG,
January 8, 1908]

Mr. Gandhi declared today that he would undertake, if the operation of the Asiatic Registration Act were suspended, that every Indian in the country would be registered in a month's time, in accordance with a form to be mutually agreed upon. The Act would then be unnecessary, and could be withdrawn.

If his promise were not faithfully carried out, he would undertake to assist the Government in the strict enforcement of the present Act. The main object of the Indian leaders was to eliminate the element of compulsion. The compromise suggested was the only one the Indians were prepared to accept, and an effort would probably be made to arrange for a discussion of its terms with the Government. The Indian community considered that his suggestion that a High Court Judge should hold an enquiry into the surreptitious entry of Indians into the Transvaal and the question of identification would give the Government an opportunity of reviewing the situation.

India, 10-1-1908

[1] This was published under the title "Mr. Gandhi Suggests A Compromise".

9. GENERAL SMUTS' SPEECH[1]

[Before *January 10, 1908*][2]

General Smuts has spoken at length. *The Star* and [*The Transvaal*] *Leader* have published an interview[3] with Mr. Gandhi by way of a reply. We print elsewhere a translation of that reply. It is a remarkable speech. The aggressive spirit that General Smuts showed four months ago has now disappeared. In the course of the speech, he asks at one point how thousands of Indians can be imprisoned. Where are the gaols [in requisite number]—he asks—and how can so many persons be deported either? At another place, he asserts that, if the Indians do not register, the Government may even adopt the measure [of deporting them] as a last resort. General Smuts is not sure whether the Imperial Government will continue to be as obliging as it has been. He adds, however, that these are his personal views. He does not know what the Colonial Government will do. A speech such as this is merely the raving of a madman. General Smuts is an angry man. Not being in his right mind, he says whatever comes into his head.

He shows open contempt for the Indians, referring to them as "coolies". He says that we are British subjects "only to a certain extent". This is something new. Till today we were British subjects, but now we are British subjects only to a certain extent. He declares, furthermore, that till now the Imperial Government had stood in the way of our being relegated to Locations. Now he hopes that it will be easier to send Indians to Locations. And he adds that, after Mr. Gandhi's arrest[4], many Indians told him that they were prepared to take out registers [under the law].

What does all this mean? It is evident that the Indian community has given General Smuts a few surprises. The gentleman admits that he had not imagined in March last that the Indian community would offer such determined resistance as it has done. He still believes that the community has been misled by a handful of leaders. The leaders are of course prepared for imprisonment. But will the Indian community be unmanned? If Indians do not give way to fear, that is, if they show courage, he who runs may read[5] that there is nothing General Smuts

[1] His Mayville speech of January 4; *vide* footnote 1, p. 13.

[2] This article and the two others that follow were written clearly before January 10, when Gandhiji was tried and sentenced.

[3] *Vide* "Interview to *The Star*", pp. 8-12 and "Interview to *The Transvaal Leader*", pp. 13-9.

[4] On December 27, 1907; *vide* Vol. VII, footnote 1, p. 449.

[5] Literally, "the blind can see and the deaf can hear".

can do. He himself adds that the remedy lies in the hands of the Indians. That is indeed true—with this difference: according to Mr. Smuts, the remedy lies in our accepting the bonds of our slavery forthwith, whereas in our view the Indians can don the fragrant garland strung together with freedom, honour, good name, independence and fear of Khuda-Ishwar. Lakshmi is at our doorstep ready to mark our foreheads with the sign of her grace.[1] How can Indians avert their faces? This is the point. No one should even dream of registration, or fight shy of trading without licences. If, in consequence, we are imprisoned, that should be welcome; even deportation should be welcome. If we take up this attitude, we need fear neither of the two evils. In any case, it is better to face out one of these than be haunted by the spectre of registration.

[From Gujarati]
Indian Opinion, 11-1-1908

10. RAM SUNDAR[2]

[Before *January 10, 1908*]

We hear many things said about the honour once accorded to Ram Sundar. We have even received some letters on the subject. Some people say that he was an indentured labourer, others that he has cheated a number of people. There are those who argue that, because such respect was lavished on a person like him, the Indian community is unlikely to listen to any of its leaders again. It was, they argue, a great mistake to have closed their shops for a man of his type, and no one should now expect shops to be closed for any Indian, whoever he may be. There are yet others who have been eagerly waiting for an opportunity to drive a wedge between Hindus and Muslims. We think all these people are in the wrong. If Ram Sundar was an indentured labourer and if, knowing this, the Indian community had eulogized him for his genuine courage, that would have been all the more creditable. Poverty is nothing to be ashamed of, nor is indenture. Indians ought especially to be proud of an indentured labourer who shows great courage. For that may lead to better placed persons coming forward to display greater courage. In any case, the community had no information about Ram Sundar having been an indentured labourer or about his debts. At that time the community gave no thought to the matter.

[1] A Gujarati saying. This image is based on the Indian custom of applying a *tilak* of vermilion on the forehead. Lakshmi is the Hindu goddess of wealth.

[2] *Vide* "Ram Sundar 'Pundit'", pp. 3-4.

The work that he did and the speeches that he made invited praise. It was not Ram Sundar who was honoured in royal fashion, but the person who suffered a month's imprisonment. The shops were closed not for the sake of Ram Sundar, but tangibly to show that we were grieved at the wrongful imprisonment of an Indian and to bring home to the others the fact of our unity. The Indian community has already reaped the benefits of the closing of shops and of the homage [done to Ram Sundar]. What Ram Sundar gained, he has thrown away. The honour that we accorded was not to an individual, but to the qualities of truth and courage which we attributed to him. What happened in Ram Sundar's case was only fit and proper. Now that we have seen through his duplicity, we pour scorn on him. That again is natural. Such has always been the way of the world. Mr. Arbuthnot[1] of Madras was held in esteem both by the Government and people so long as he was thought to be honest. On being exposed as a fraud, he had to face prosecution and imprisonment. If people are to think well of us, we must always distinguish between truth and falsehood in every matter. If we do so, we shall carry our point every time. We do not want to say anything further on the question of Hindu-Muslim differences that has been raised in this context. There is not the slightest doubt, however, that the question has been raised through sheer want of sense. It altogether passes our understanding why people should talk of Hindu-Muslim differences over questions of common interest which do not involve any religious issues.

[From Gujarati]

Indian Opinion, 11-1-1908

11. JOHANNESBURG LETTER[2]

[Before *January 10, 1908*]

PASSIVE RESISTANCE

The editor had invited [suggestions from readers for] a Gujarati equivalent for "passive resistance".[3] I have received one which is not

[1] Sir George Arbuthnot; prominent banker, six times a member of the Legislative Council at Fort St. George and seven times elected chairman of the Madras Chamber of Commerce; filed an insolvency petition after his bank had crashed. Early in May, 1907, he was charged with cheating and breach of trust.

[2] Literally, the title reads "News-letter". These despatches were published weekly in *Indian Opinion* as "From Our Johannesburg Representative". The first despatch appeared on March 3, 1906; *vide* Vol. V, pp. 206-7.

[3] *Vide* Vol. VII, p. 455.

bad, though it does not render the original in its full connotation. I shall, however, use it for the present. The word is *sadagraha*. I think *satyagraha* is better than *sadagraha*. "Resistance" means determined opposition to anything. The correspondent has rendered it as *agraha*[1]. *Agraha* in a right cause is *sat* or *satya*[2] *agraha*. The correspondent therefore has rendered "passive resistance" as firmness in a good cause. Though the phrase does not exhaust the connotation of the word "passive", we shall use *satyagraha* till a word is available which deserves the prize.

Satyagraha, then, is at high tide at present. The Indian *satyagrahi*[3] is getting world-wide publicity. Not only that; we also find everyone speaking out in our favour. It has been said that the question affects the whole of the British Empire. In South Africa, newspapers such as *The Friend* of Bloemfontein, *The Transvaal Leader*, *Pretoria News*, *The Cape Times*, *The Natal Mercury*, etc., advise the Government in plain words that it ought to amend the law and arrive at a settlement with the Indians. They all assert that, if the Government does not reach a settlement, it will do injury to the British Empire and rouse Indians. The word "rouse" may startle Indians. That India will be roused is, however, beyond any doubt—if the [Transvaal] Indian community can bear the final burden.

Newspapers like *The Star* which were hostile to us at the outset are now taking a middle course. They respect the courage of the Indians, acknowledging in them unsuspected qualities of shining worth.

One after another, correspondents come out in our favour in the readers' columns of Johannesburg newspapers. Among them are prominent people who assert that the local Government is bound to seek a settlement. There is a growing feeling among clergymen that the religious sentiments of the Indians ought not to be hurt.

In England

How can opinion in England be less favourable? Almost every newspaper has advocated the Indian cause. Mr. Ritch has kindled enthusiasm all over England. The views expressed there are cabled here by Reuter. *The Times* calls upon the Imperial Government to do everything in its power to secure justice for the Indians. Such is the miraculous power of *satya agraha*. As I write this, I seem to hear it whispered in my ear that God is always the friend and protector of truth. Our success in bringing this campaign to this stage is a triumph for truth. If we were to fail now, that would in no way detract from the power of truth. It is only because of our untruth, insincerity and disunity

[1] Firmness, insistence
[2] Truth
[3] One who offers satyagraha

that we may lose, if at all. The present indications, however, do not point to defeat. The Indian community is displaying fine strength. Meetings are being held one after another. Hundreds of people, who attend them, go on reiterating that they will face imprisonment and deportation, but will not submit to the Act. I cannot believe that all these men are just acting a part as Ram Sundar was.

Huge Mass Meeting

The huge mass meeting which took place on the 1st was attended by at least 2,500 persons. They were all full of enthusiasm. The editor will publish a full report of the meeting elsewhere. I shall only mention that Mr. David Pollock[1] (not to be mistaken for our editor), the assistant editor of *Rand Daily Mail*, their cartoonist and a few other Europeans who were present at the meeting went there especially to watch the proceedings. There were also many Indians from outside [the Transvaal].

Miss Schlesin's Speech

Miss Schlesin[2] is an unmarried girl of twenty. Very few Indians know how hard she has worked for the community. She works indeed not for a salary, but because of her deep sympathy [for the Indian cause]. She attends cheerfully to everything that is entrusted to her. She asked to speak at the recent mass meeting. What follows is a translation of her thoughts. She had obtained her parents' permission for making a speech. This girl has passed her matriculation examination, and she can be said to have had an excellent education. Her speech was read out by Mr. Gandhi:[3]

> Now that the struggle has reached its culminating point, I, who have followed it with the closest attention almost from its inception, would fain say a few words of sympathy, of heartfelt sympathy, in the sufferings which you have already undergone, in the sufferings still before you, of which the former are but a foretaste. But I implore you not to flinch from the hardships which now confront you, not to falter at the shoals ahead, but to continue steadfast

[1] Reporter of London *Daily Telegraph* and a J.P. of the Transvaal; an active sympathizer of the Indian cause; sometime Secretary for Lands in the Transvaal; Honorary Secretary, Native Affairs Society, Transvaal

[2] Sonja Schlesin; a Jewish girl with "a character as clear as crystal and courage that would shame a warrior"; joined Gandhiji as a steno-typist at the age of 16; made herself very useful to *Indian Opinion;* was ardently interested in the Indian cause. "Thousands of stalwart Indians looked up to her for guidance. When during the satyagraha days almost everyone was in jail, she led the movement single-handed. She had the management of thousands, a tremendous amount of correspondence, and *Indian Opinion* on her hands, but she never wearied." *Vide* also *Satyagraha in South Africa*, Ch. XXIII, and *Autobiography*, Part IV, Ch. XII.

[3] What follows here is the English version of Miss Schlesin's speech taken from *Indian Opinion*, 11-1-1908.

in your heroic resolve to give up all, aye very life itself, for the noble cause of country and religion. Let me remind you of a similar crusade now being waged by my sisters in England. I refer to the suffragettes. For the sake of a principle, they are prepared to lose their all, to brave innumerable trials. Many have already suffered imprisonment, more are ready, nay eager, to do so. If delicately nurtured women can do this, will hardy men, inured to toil, do less? Do not swerve from the course upon which you have entered, be true to the ideal before you; and 'heart within and God o'erhead', proceed to conquer or to die. And, if you do that, if you adhere to your solemn covenant with God, if you prove yourselves resolute in deed, as you have already shown yourselves gentle in method, then it will not be to die! Success then is assured, victory is yours, is ours.

It is a young girl who addresses this sincere exhortation to us. If, after all this, we accept loss of face out of a cowardly fear of gaol, we are sure to repent it much.

Deportation Impossible

The Immigrants' Act provided good fun for a day. It is being admitted on all hands that no one can be deported. This is not only Mr. Leonard's[1] opinion; a correspondent writing specially for [*Rand*] *Daily Mail* has advanced several arguments to show that deportation of Indians would be unlawful. If that is so, the Royal assent given to the Immigrants' Act only shows that the Imperial Government is reluctant to throw in its weight on our side. But was there any reason to expect anything else? For some of us write anonymous letters to the Registrar to inform him that they are prepared to register but that they hold back only for fear of public opinion, and request the Registrar to note their names. It is again our own people who write to the Registrar to defame Ram Sundar. However unworthy Ram Sundar may be, writing anonymous letters to run him down demeans us in the eyes of others. We show ourselves to be cowards. These anonymous letters damage our cause by undoing the good impression that our courage has created. For these letters would be confidentially forwarded to Lord Elgin. He would take them into his reckoning; and why indeed should he not? Mixed with a grain of truth that such letters may contain, there must be a great proportion of falsehood which will gain wider currency. As a result we are bound to be treated as bad cowrie. When we gain acceptance as good cowrie, when our bones softened by long years of slavery grow strong again, when we desist from dark, furtive dealings, we shall certainly get our due from the Imperial Government, however imperial it may be. When we ourselves lack courage, how can we blame the Imperial Government?

[1] A well-known Johannesburg barrister

Cowardly Stuff

As soon as the Immigration Bill was signed, people at Pietersburg sent telegrams to say that they were leaving at once to report at the registration office. And these doughty persons arrived in Pretoria forthwith. Then they paid court to "His Lordship" Chamney. He said he was unable to grant them the title-deed of their slavery, and wanted them to produce an order from a magistrate. They then approached the Magistrate at Pretoria, who told them that he had no authority to act in the matter. Now (before Sunday), the right royal procession has returned to Pietersburg. When they receive an order from the Magistrate there, they will again troop off to Pretoria. I know the names of these brave ones. I am not sure whether the foregoing account is correct or whether slavery has not already been conferred on them. I am only reporting what I have been told.

Appeal to the Brave

I hear that even the few brave Memons at Pietersburg who have, along with the Suratis and Hindus of that town, shown great determination so far, are beginning to lose heart; they have caught the infection from the "black-faced" ones and are trembling with fear. If this is so, they have my fullest sympathy. Where cowards are in a majority, even the assurance of the courageous is likely to be shaken. However, I appeal to them all, and especially to the Memons, not to allow the ship to go down just when we are about to sight land. If all the Memons become deserters, that will be a blot on Porbandar, Bhanvad and Ranavav. We may be able to ignore the cowards, or succeed, later, in infusing courage into them. But the entire community would go down in dishonour if there was not even one Memon who remained truthful. If even one of them survives, he will save the others. Let me therefore earnestly appeal to Mr. Abdool Latief and others who have really held out. To Suratis and Hindus I say only: 'Please, in the name of God, do not let yourselves drown. If only you will show a little courage, the fight is easy enough. You should not lose heart because so many persons from Pietersburg have deserted. Indians all over the Transvaal are courageously holding out. And those in Pietersburg who remain unyielding till the last will deserve to be complimented for genuine courage. For there is more at stake there.'

Traitors in Delagoa Bay

A letter has been addressed to the Registrar concerning two treacherous and self-seeking Indians at Delagoa Bay. The Registrar has asked for their names; these, however, cannot be supplied. For I have been informed that one of them has been arrested and the other has disappeared. There was a white person with them who posed as

Registrar. When shall we be rid of such enemies of Indians? It appears that some persons cannot find other means of making money. If that is what it is, the only thing to do is for us to keep our distance from such evil men. I hope that at Delagoa Bay and elsewhere Indians will warn everyone [against such persons]. In this big battle we must not tolerate falsehood anywhere. We must try to improve ourselves. We ought not merely to act a part, as Ram Sundar did.

SYMPATHY FROM WHITES

The struggle has assumed impressive proportions and has evoked expressions of sympathy from many whites. The meeting[1] held in front of the Court and the one in front of Mr. Gandhi's office were both attended by nearly a hundred whites. Apparently all of them sympathized with the Indian cause. Mr. Hosken[2], who earlier used to advise us to accept the title-deed of slavery, has now begun to offer us encouragement. Such is the fruit of truth and courage.

TRADE LICENCES

Since store-keepers and hawkers are to carry on trade without licences and risk imprisonment, Mr. Essop Mia has addressed a letter[3] to the Receiver [of Revenues] to inform him that the Indian community will rather carry on business without licences than take out registers. They will willingly face all incidental risks. Indians, he has said, will, however, be prepared to pay the licence fee if the Government is disposed to accept it.

The Receiver has said in reply that under the Asiatic [Registration] Act licences cannot be issued to Indians without registers, and that those who carry on trade without licences will incur penalties under the Revenue Licence Ordinance. No Indian is likely to be frightened now by the words "incur penalties". The store-keepers and hawkers are prepared to carry on their business at the risk of such penalties. The Association has addressed in all 72 letters to various persons in different towns suggesting that they should carry on trade without licences. It no longer makes any difference [to the traders]. The courage shown by Indians, however, does make a difference. Business must go on meanwhile; and in the event of prosecution for unlicensed

[1] Held on December 28, 1907; *vide* Vol. VII, p. 468.

[2] William Hosken; rich and prominent member of Transvaal Legislative Assembly; chairman of Committee of European Sympathizers which mediated between the satyagrahis and the Government in the 1908 campaign; had subsequently to give up his political career because of "his negrophile tendencies". *Vide Satyagraha in South Africa*, Ch. XIII and XVI, and Vol. VII, pp. 150-1.

[3] *Vide* "Letter to Receiver of Revenues", p. 6; and for his reply, *vide* footnote 2 on pp. 6-7.

trade, one should submit to imprisonment rather than pay the fine. The assistants who stay behind will be free to run the shops. They cannot be prosecuted, and the Government has no authority forcibly to close down businesses.

HINDUS AND MUSLIMS

I find occasional references made to the Hindu-Muslim question in connection with Ram Sundar's case.[1] And now there are telegrams from Natal reporting that a pointed reference has been made to it in the *Mercury*. Mr. Dawad Mahomed[2] and Mr. Peeran Mahomed have issued an effective rejoinder which more than meets the point. However, I must say that the person responsible for the report in the *Mercury* is an enemy of the community. At a time when the Indian community is engaged in a gigantic task, anyone suggesting that differences exist between Hindus and Muslims is lying to serve his own ends. I would advise people to shun these traitors to community and country like poison. It is obvious that neither of the communities stands to gain anything from an insistence on differences.

CARTOON IN "THE SUNDAY TIMES"

Though the editor of *The Sunday Times* writes against Indians, their cartoonist is doing a great service to the cause.[3] He has portrayed the Indian community as an elephant, with its feet firmly planted on the ground. Mr. Smuts is forcing him forward with a steam-roller from the rear. The elephant remarks: "Stop your tickling, Jan!" The point of the cartoon is that the steam-roller has been unable to budge the elephant. In the event, the cartoon has only served to publicize our cause widely and has occasioned some merriment at General Smuts' expense.

CARTOON IN "RAND DAILY MAIL"

Daily Mail presents Mr. Gandhi in the guise of a martyr of olden times.[4] He is tied to a stake, surrounded by stacks of hay. There are three drums full of oil above, labelled "The Permit Act", "The Asiatic Registration Act" and "The Immigration Act". Oil is dripping from all the three drums on to the stacks of hay. Mr. Smuts is holding a lighted torch. [Protruding] from underneath his dress can be seen the point of his scabbard with a sword in it. "St." Gandhi is saying, "You

[1] *Vide* also "Ram Sundar", pp. 21-2.

[2] Chairman, Natal Indian Congress. An old Transvaal resident, he crossed over into the Colony in July 1908 and refused to give his thumb-impression at the border under Act 2 of 1907. He thus courted arrest to establish the right of entry of old Transvaal Indian residents which Smuts was later to question.

[3] *Vide* illustration facing p. 32.

[4] *Vide* illustration facing p. 33.

certainly look fierce. And you are taking very long. Why don't you apply the torch? Be quick and have done with it." But General Smuts is standing with his back turned, afraid to light the fire.

POTCHEFSTROOM INDIANS

The Potchefstroom Indians were accused of having lost their nerve. They have replied to this through *The Star* asserting that they all remain firm and that only a few Memons have disgraced themselves. Mr. Abdool Rehman, the Secretary, has also been accused of having registered himself. He has written a letter to deny this, offering to pay £50 to charities if anyone can prove the allegation.

MEETING ON SUNDAY

Another meeting was held in front of the Mosque last Sunday. Many speeches were made and it was resolved that store-keepers and hawkers should carry on trade without licences. There is much enthusiasm in evidence at the moment.

COMMENTS IN "THE [TRANSVAAL] LEADER"

Commenting on General Smuts' speech, *The Transvaal Leader* writes as follows:[1]

> General Smuts' latest speech appears more statesmanlike than his previous utterances. He has hinted at the reasons for the change in his attitude. It would have been better if he had stated at the same time whether he desired the Opposition to join him in achieving the end that he had in view. If the Government wishes them to give an assurance that they are not opposed to the modification, it is for the Government to say so. It is not easy to understand how it is that officials can state that 5,000 Asiatics have crossed the border and yet are unable to check the Asiatic influx along that border. Mr. Smuts dismisses the plan of sending [everyone] to gaol as a waste of effort. It cannot be argued that the continued stay of the Asiatics in the Transvaal will put the Government to as much expense as the adoption of this course would. Even if the Government has the necessary authority, deporting [Indians] does not appear to be a practicable course. The Colonial Secretary has therefore decided to deal vigorously with the leaders, certain that this will end the trouble. The argument that a whole community is held by two or three men in the hollow of their hand is one that we distrust, but time and events will prove whether it is applicable. The action of the

[1] The translation here has been collated and brought in line with the English text in *Indian Opinion*, 11-1-1908.

Chinese in declining to register, despite disapproval by the Chinese Consul, does not bear out General Smuts' contention. General Smuts seems to fear the effect upon the Kaffirs of the success of a campaign of passive resistance. But how is it that laws were modified before? And, after all, is it not something to the good that Kaffirs should feel that, in any differences with the white race, there are milder arguments than the rifle and assegai?

More Blacklegs

...[1][1] from Potchefstroom
...[3] from Pietersburg
...[3] from Pretoria.

Maulvi Saheb Ahmed Mukhtiar

The Maulvi Saheb was informed by the Registrar that his permit would be extended provided he gave his word that he would leave on the expiry of the extended time-limit. He has pointed out in reply that the Registrar had promised to extend the permits every six months, once in the presence of Mr. Hajee Habib and again in the presence of Mr. Nagadi and Mr. Munga. It was on the strength of this promise that he had started the work in connection with the Madrasah while continuing his duties at the Mosque and his work for the Hamidia Society. He also has, he says, to tell the people about the religious aspect of the law. This was his duty, and he meant to continue doing so.

Cases at Pretoria

The cases of Mr. Tulsi and Mr. Sheth came up for hearing on the 7th. Mr. Sheth was served with a notice to leave before the 21st and Mr. Tulsi before the 12th.

Sympathy from Coloured Persons

A resolution expressing sympathy for the Indians was passed at a conference of the African Political Organization. A telegram was sent to the Association to this effect by Dr. Abdurrahman.

[From Gujarati]
Indian Opinion, 11-1-1908

[1] The names are not reproduced here and the figures in square brackets indicate the number of persons from each town.

12. INTERVIEW TO "THE STAR"

[JOHANNESBURG,
January 10, 1908]

Mr. Gandhi insisted upon the elimination of the element of compulsion of the Act and the consequent withdrawal of the notices regarding the issue of licences and registration. In return he undertook that every Indian in the country would be registered in a month's time according to a form to be mutually agreed upon which would be issued to those Indians entitled to remain in the Colony or who were otherwise approved.

If voluntary registration were faithfully carried out, the Registration Act would become useless, and the Indian community would look for its withdrawal during the next session of Parliament. If on the other hand the undertaking of the leaders were not fulfilled, Mr. Gandhi said he would welcome the enforcement of the Act against those who had not complied.

He was prepared to go further, evidently with the view of meeting the prejudice against the Indian trader, and was anxious that the Government and the various municipalities should frame by-laws governing the issue of trading licences, so that only Indians with suitable premises and with the means of keeping a proper system of accounts should be licensed to trade.

Indian Opinion, 18-1-1908

13. LAST MESSAGE TO SOUTH AFRICAN INDIANS

[JOHANNESBURG,
January 10, 1908]

TO TRANSVAAL INDIANS

It must be borne in mind that success in the struggle will depend on what the Transvaal Indians do while those arrested remain in gaol. It is well therefore that the Government has arrested some persons. It will be a testing time for the others.

Cowards will spread panic. Blacklegs will say all manner of things. It is my appeal to all my brave fellow-countrymen to remain undaunted by these, and be ever mindful of their pledge and keep up their courage.

At the very beginning of the campaign we had resolved not to compromise our honour by submitting to the obnoxious law, whatever the cost. We find hundreds of examples, among the British, of persons sacrificing their all for honour and country. It is only when we do likewise that we shall become esteemed men and retain that esteem. I therefore

take it that Indians will remain unshaken, whether or not they get licences, whether or not they are allowed credit, and that they will only become confirmed in their resolve to endure imprisonment or deportation. If only they will prepare themselves in their own minds, they will find that gaol is not something to be frightened of.

Let no one look to the others; let each depend on his own strength, so that even if in fear a few Indians submit to the outrageous law, the others will not be tempted to do likewise.

You will, in this manner, serve your interests as well as those of the country. If you make the mistake of registering, you will throw away success just as it has come within reach.

Not only does this righteous campaign call for courage; but it is also based on truth. Large numbers [of Indians] must be faced with the prospect of starvation. It will be necessary to provide for their relief. This will call for honesty of the highest degree. Contributions will be received from various towns, and these will have to be utilized to good purpose. Let no one ask for aid unless in need. Those in charge of distributing aid should act with the utmost scrupulousness in utilizing whatever funds or food-grains are placed at their disposal.

This struggle will test the strength of all the elements of character and lay bare all our weaknesses. Let us be careful, then, after sending so many people to gaol not to throw away this opportunity by panicking and submitting to the law.

We should bear no grudge against those who have taken out registers or may do so hereafter. If you are convinced that their action is not right, you will not feel the slightest temptation to follow their example. Those who have the courage to fight till the last will be able to earn a livelihood anywhere in the world.

To Other Indians in South Africa

The Transvaal Indians put up with hardships of every description—physical, mental, financial. You are asked to make sacrifices only of money. Do not therefore fall behind. Money will be needed in plenty. Your congratulations are welcome; they are of some use. But they will have meaning only if you follow them up with financial aid. This is a campaign that concerns not only the Transvaal Indians, but the entire Indian community. Your interests, too, are at stake. It is in your power to give financial aid; equally, you can help by holding meetings and passing resolutions.

To All Indians

Success will never be ours if we do not at all costs keep Hindu-Muslim differences out of matters of common interest. Let everyone accept this as a guiding principle. We shall succeed only when we



MODERN MARTYRDOM.



GANDHI, THE MAR[illegible]: [illegible] certainly look[illegible] [illegible], [illegible] I wish [illegible] [illegible] up and do [illegible].

feel a strong urge that all of us, Hindus and Muslims alike, belong to the same land and are children of the same mother.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]

Indian Opinion, 18-1-1908

14. SPEECH AT NEWTOWN MOSQUE[1]

[JOHANNESBURG,
January 10, 1908]

There was considerable commotion among the Indian community this morning, says *The Star* (Johannesburg) of Saturday last, when it became known that Mr. Gandhi and the other Indians and Chinese who were ordered to leave the Colony within 48 hours a fortnight ago were called upon to attend Court for sentence. There was a large gathering outside B Court at ten o'clock, and before the doors were opened word was circulated that the proceedings against the defaulters would not be taken until the afternoon. Mr. Gandhi availed himself of the opportunity the few hours' postponement allowed to address his countrymen. It was to be a valedictory exhortation to the rank and file of the Indians to stand firm during the incarceration of the leaders of the passive resisters' movement. The meeting was held in the Mosque grounds, Newtown, at 11 o'clock, and despite the short notice of the meeting there was a large gathering. For the purpose of such [a] meeting a platform had been erected in the grounds, and seating accommodation was provided by means of the serviceable paraffin tins which were strewn about in thousands. On the platform were Essop Ismail Mia, Chairman of the British Indian Association, an Indian priest in an artistic Oriental garb, and Mr. Gandhi. A few introductory remarks were made by Mr. Mia, and then Mr. Gandhi spoke. He was listened to with the greatest intentness. Every eye was fixed upon the slim central figure of Mr. Gandhi, and the meeting gave an indication of the hold he has upon his countrymen.

After his speech[2] in Hindustani Mr. Gandhi spoke in English. He said he could not detain them for any length of time. The telephone message he had received that morning was that those who were under notice and whose period of notice had expired had to appear before the Court at 10 o'clock. Just as they were about to leave for the Court, Superintendent Vernon came to inform them that they were to appear at two o'clock. He believed that those who had to go to gaol today were not at all afraid. On the contrary, they considered that it was a fit opportunity given them by the Government to serve their country and to show that they were men, not dogs. All

[1] This is the *Star* report as reproduced in *Indian Opinion* under the title "Mr. Gandhi's Valediction: Leaders Imprisoned".

[2] This is not available.

the same, he was superstitious enough to believe that when these things were postponed from time to time, even though they might ultimately happen, they showed which way the wind was blowing, and they showed also that God was with them.

Free Hospitality

He thought he would not have had that opportunity of addressing his countrymen before accepting the free hospitality of His Majesty. But God had willed otherwise, and he was there to give them the last word probably for a month, it might be for two months, it might be for six months, and the word he had to place before them was "Do not deceive yourselves; do not deceive the Government; do not deceive your humble servant." He believed sincerely that that struggle had been undertaken at their desire; that when he placed before them the true position of the law, all of them said that it was not possible for them to submit to the law—that rather than submit to a law of that nature they would suffer imprisonment, be banished from the country, lose everything that they possessed, rather than submit to the law.

The Sting of the Act

That law, he repeated for the thousandth time, was not a question of giving a wife's name or a mother's name, or giving one thumb-impression or ten digit-impressions, although all those things were undoubtedly to be considered when they were compelled to give these things, but the sting lay in the spirit itself. Jesus Christ had said that no man had seen God because He was a spirit. Similarly it was not possible to describe in words the underlying spirit of the Act. Every Indian felt that spirit, and having felt it shunned it as he would shun Satan. The law was based upon the condemnation of the whole of the Indian community, and it did not matter a bit whether General Smuts said that he wished to treat them justly and fairly. Judgment should be pronounced upon his acts and not upon his words. What they saw was that by reason of false dignity the Government would not have what they wanted to give freely, but wanted to compel them to give as if they were slaves. Compulsion was possible in a matter of personal freedom only when it was slaves who were to be dealt with.

The Dog's Collar

He well recalled an incident that happened when with Mr. Ally he went to England as their servant. A gentleman on board said, "I see you are going to London in order to get rid of the dog's collar." Precisely; it was because they did not want to wear a dog's collar that they had put up that fight. They were willing to sacrifice everything for sentiment, but it was a noble sentiment. It was a sentiment that had to be cherished as a religious sentiment. It was a sentiment that bound people together; it was a sentiment that bound creatures to the Creator. That was the sentiment for which he had asked them, advised them, if necessary, to die. Their action would be reflected throughout the British dominions, through the length and breadth of India, and they were now upon their trial.

General Smuts' Action

He did consider General Smuts had performed an honourable action in arresting them and wishing to lodge them in gaol. He (General Smuts) was quite justified in believing, because of the reports he had read, that the whole of this agitation depended upon a few Indians. If it depended upon a few Indians only, and if the whole of his countrymen had not been acting together throughout the past sixteen months, then he thought they had proved that they deserved the Act. But if, after he and his colleagues were safely out of harm's way, they remained firm, stuck together, and were prepared to suffer every inconvenience and to lose all, then he had not the slightest doubt that they would gain all, gain the estimation of all the reasonable Colonists whose estimation was worth prizing. If they submitted to the Act it was true that they would be able to live a dog's life, and had [*sic*] earned the Colonists' kicks. The gates of the Registration Office [—] it was highly probable [—] would be flung open once more immediately he and his colleagues had retired from the scene, but he did hope that whatever they had said in public, whatever they had prayed for in secrecy before their God, they would carry out to the bitter end. He hoped that no terrorism, no intimidation, no amount of meetings held by their fellow-subjects, if he might call them so, held by European British subjects would deter them from the action that they had embarked upon. There was no terror and no fear for a man who believed in God.

"A Struggle for Religious Liberty"

No matter what might be said he would always repeat that that was a struggle for religious liberty. By religion he did not mean formal religion, or customary religion, but that religion which underlay all religions, which brought them face to face with their Maker. If they ceased to be men, if on taking a deliberate vow they broke that vow in order that they might remain in the Transvaal without physical inconvenience, they undoubtedly forsook their God. To repeat again the words of the Jew of Nazareth, those who would follow God had to leave the world, and he had called upon his countrymen in that particular instance to leave the world and cling to God as a child would cling to the mother's breast. If they did that he had not the slightest doubt that this struggle could have but one issue.

A Month Hence

It did not matter what General Smuts thought today, but it would matter what he thought a month hence, when they had shown, every one of them, that they were men. He had not the slightest doubt that General Smuts had sufficient humanity in him to recognize the sincerity of purpose, the real feeling that underlay the community, and if they showed to him that the majority of Indians were not going to accept the Act, but would rather suffer imprisonment and degradation, forfeiture of all their goods, then General Smuts, without anybody going to him, would say, 'Yes, these are the people I shall prize as my citizens; these are the people whom I shall prize as fellow-citizens with me and who will be of service to the State.' But if they did not take up that position, then General Smuts would certainly also say, 'Yes, 10,000 Indians may remain in the Colony. We can keep them as dogs and allow them to die their natural

death.' Their natural deaths they would die far outside the Transvaal, wherever there was a piece of earth given them, but if they would die a noble death, a man's death, there was only one course open to them. If, perchance, even after they had taken that course it came to pass that every one of them had to leave the Transvaal, then was it not better that they should leave as men than remain as cowards who had gone back upon their sacred resolution taken at the old Empire Theatre? He thought the whole of the Colony would rise and tell General Smuts, if the Colony was convinced that they were sincere, willing to suffer for their cause and country, religion and honour, then the Colonists would tell General Smuts he had not received a mandate to expel these people from the country. They did not want future immigration; they did not want to remain there and set up undue competition with white people. People who were capable of putting up a fight like that would not offer undue competition, but would fall in with any legislation that might be devised for the common good of all, but certainly not for the good of only a handful of store-keepers. If it were necessary that stores should be regulated for the common good of the country, why, they had offered it times without number. They did not want to flood the Colony with Indians, but the handful of Indians who had a right to remain in the Transvaal should be allowed to remain as worthy citizens of a mighty Empire, but should not remain as beasts so long as he could help it. (Applause.)

Indian Opinion, 18-1-1908

15. *TRIAL AT JOHANNESBURG*[1]

[JOHANNESBURG,
January 10, 1908]

The eastern side of Government Square presented an extraordinary scene of excitement this afternoon. All through the lunch hour there was a big gathering of Indians, and at two o'clock precisely a continuous stream of Indians indicated the approach of the leaders. Mr. Gandhi was the first to appear. It was drizzling, and his ardent admirers sheltered him with umbrellas as he walked along slowly reading the first edition of *The Star*. The Indians kept pouring on to the Square, and the public entrance to the Court was blocked. The Magistrate, Mr. Jordan, was seen walking through the crowd, and of course he attracted considerable attention. At ten minutes past two the lock was heard in the door, and the press outside became greater. The doors were flung open and the crowd was met by Captain Potter, Superintendent Vernon, and two police. The officer ordered the entrance to be cleared and considerable confusion followed. The dense mass swayed backward, and when it was possible for

[1] In October 1908, the Rev. Joseph J. Doke wrote about this occasion of Gandhiji's first imprisonment as follows: "There is the trial in the B Criminal Court, a great mass of the excited Asiatics crushed in at the door, and spreading to a great crowd outside. The cynical Magistrate with his face flushed, presiding at the Bench; the horse-shoe of legal offices below". *Vide M.K. Gandhi: An Indian Patriot in South Africa.*

egress to be obtained by a few people at a time, people were allowed to pass in. The Indians continued to force their way, and attempted to rush the police at the door. The Commissioner of Police, who was in the Court, saw that the force at the door was strengthened, and the entrance was again cleared. Another disturbance occurred and the police made three arrests. When the part of the Court reserved for the public was filled, further admission was denied, and a few minutes afterwards the Magistrate entered the Court.

"Silence" was called, and M. K. Gandhi was called.

A regular cordon of police was formed by mounted and foot police around the entrance to the Court.

Mr. M. K. Gandhi was first called,[1] and he pleaded guilty to the charge, which was one of disobeying the order of the Court to leave the Colony within 48 hours.

Mr. Fred Klette, clerk in B Court, went into the witness-box and produced the records in the case *Rex* v. *Gandhi* heard in that Court on the 28th of December. Defendant was on that occasion ordered to leave the Colony within 48 hours.[2] Witness served a written order personally on the accused.

On being asked by the Magistrate if he had any questions to ask, Mr. Gandhi replied:

No, Sir.

Superintendent Vernon, B Division, said that at 2 p.m. that afternoon he arrested the accused for failing to comply with the order. He had seen the accused repeatedly from the date the order was made until today.

Mr. Gandhi had again no questions to ask.

Mr. Schuurman intimated that this was the case.

Mr. Gandhi asked leave to make a short statement, and, having obtained it, he said he thought there should be a distinction made between his case and those who [*sic*] were to follow. He had just received a message from Pretoria stating that his compatriots had been tried there and had been sentenced to three months' imprisonment with hard labour; and they had been fined a heavy amount, in lieu of payment of which they would receive a further period of three months' hard labour. If these men had committed an offence, he had committed a greater offence, and he asked the Magistrate to impose upon him the heaviest penalty.

MR. JORDAN: You asked for the heaviest penalty which the law authorizes?

MR. GANDHI: Yes, Sir.

MR. JORDAN: I must say I do not feel inclined to accede to your request of passing the heaviest sentence, which is six months' hard labour with a fine of £500. That appears to me to be totally out of proportion to the offence which you have committed. The offence practically is contempt of Court in having disobeyed the order of December 28. This is more or less a political offence, and if it had not been for the defiance set

[1] *Rand Daily Mail* in its account of the trial also mentions John Fortoen, C. M. Pillay, P. K. Naidoo, M. Easton and M. E. Cadwa [Karwa], who were charged along with Gandhiji under the Asiatic Registration Act.

[2] *Vide* Vol. VII, pp. 463-4.

to the law I should have thought it my duty to pass the lowest sentence which I am authorized by the Act. Under the circumstances, I think a fair sentence to meet the case would be two months' imprisonment without hard labour.

Mr. Gandhi was then removed in custody.[1]

Indian Opinion, 18-1-1908

16.. *MESSAGE TO "RAND DAILY MAIL"*

[JOHANNESBURG,
January 10, 1908]

Asked for a final message previous to his incarceration, Mr. Gandhi gave the following to a *Rand Daily Mail* representative:

I have undertaken this struggle prayerfully and in all humility believing in the entire righteousness of the cause, and I hope that one day the Colonists will do justice to my countrymen. So far as my countrymen are concerned, I can only hope that they will remain firm in their sacred and solemn resolution. By doing so they have nothing to lose. Even though they may have to lose their all they can only gain in the esteem of their fellow-men by being resolute. I sincerely state that in effecting my arrest General Smuts has done a very honourable act. He believes that my countrymen have been misled by me. I am not conscious of having done so, but I may have been misled myself. In any case removing me from the arena will show whether the position is real or unreal. The position therefore is absolutely in our own hands.

Rand Daily Mail, 11-1-1908

[1] Gandhiji was "somewhat agitated", as he recorded some years later; being alone in custody, he "fell into deep thought". "Home, the Courts where I practised, the public meeting,—all these passed away like a dream, and I was now a prisoner." If the people failed to fill the prisons, "two months would be as tedious as an age". But these thoughts soon filled him with "shame". And he recalled how he had asked people to look upon prisons as "His Majesty's hotels". "This second train of thought acted upon" him as "a bracing tonic". *Vide Satyagraha in South Africa*, Ch. XX.

17. *PETITION TO DIRECTOR OF PRISONS*[1]

[JOHANNESBURG GAOL,
January 21, 1908][2]

THE PETITION OF THE UNDERSIGNED BEING AT PRESENT PRISONERS IN HIS MAJESTY'S GAOL AT JOHANNESBURG

HUMBLY SHEWETH THAT

The Petitioners are all Asiatics, in all twenty-one. Eighteen of the Petitioners are British Indians and three are Chinese. The eighteen British Indians get mealie meal for breakfast. Of the other fourteen meals seven consist of rice and ghee, three of beans and four of mealie meal. On Saturdays potatoes and on Sundays vegetables are added to the mealie meal. For religious reasons all the above are vegetarians—some only because they cannot get religiously killed meat or proper meat. The Chinese get whole mealies and fat in place of rice and ghee. All the Petitioners have been either in the habit of taking European food or mostly so—their staple consisting either of bread or some preparation of flour. None of your Petitioners has been used to taking mealie meal. They are most of them suffering from constipation, probably due to the eating of mealie meal. Seven of the Petitioners have gone without breakfast ever since their incarceration except that some Chinese witnesses, knowing their plight, once parted with one loaf which was divided among them. This was only brought to the notice of the Governor, who said the witnesses ought not to have done so. In the Petitioners' humble opinion, the diet above referred to is totally unsuitable for them. The Petitioners, therefore, humbly pray that the diet according to European scale with the exception of mealie meal may be prescribed for them, or such other diet as may be considered suitable to keep body and soul together and may be consistent with their national habits, or habits formed by prolonged residence in South Africa.

As the matter is one of extreme emergency, the Petitioners crave a telegraphic reply. Since writing above, about seventy more men

[1] This is taken from "My Gaol Experiences[-II]", pp. 145-6 and was drafted by Gandhiji; *vide* p. 153.

[2] This petition was drafted and sent on the day on which the 76 new-comers joined Gandhiji and his fellow-satyagrahis in jail that is, on January 21, 1908; *vide* "My Experience in Gaol[-II]", p. 142 and "My Experience in Gaol[-III]", p. 153.

have come in. They have not taken any breakfast at all and have strong objection to taking it.

[*We are,*
Yours etc.,
M. K. GANDHI
AND OTHERS]

Indian Opinion, 21-3-1908

18. LETTER TO COLONIAL SECRETARY[1]

JOHANNESBURG GAOL,
January 28, 1908[2]

TO
THE HON'BLE THE COLONIAL SECRETARY OF THE TRANSVAAL

SIR,

As representatives of the Indian and the Chinese communities[3] who have taken a prominent part in the opposition to the Asiatic Registration Amendment Act, we have the honour to lay the following considerations before you:

Our opposition has never been directed so much against the finger-print requirements of the Regulations under the Act—in so far as such finger-prints were deemed necessary for the identification of Asiatics who could not very well be otherwise identified—as against the element of compulsion contained in the Act itself. On that ground we have repeatedly offered to undergo voluntary registration if the Act were repealed. And even now at this late hour we would urge on the Government the adoption as far as possible of the course more than once proposed by us.

We recognize that it is not possible during the Parliamentary recess to repeal the Act, and we have noted your repeated public declarations that there is no likelihood of the Act being repealed. We would however point out that the periods fixed for registration under the Act by the various Government Notices have expired and that therefore any

[1] This letter as well as the draft Cartwright brought to Gandhiji in jail were published in *Indian Opinion*, 11-7-1908. The draft was either prepared or approved by General Smuts; *vide Satyagraha in South Africa*, Ch. XXI and "Johannesburg Letter", p. 66. There exist four sources for this letter: the Pretoria Archives; the records of the Colonial Office to whom a copy of this letter was sent by the Transvaal Government; an office copy of the Cartwright draft together with handwritten changes made at Gandhiji's instance (S. N. 4907); and *Indian Opinion*.

[2] The *Indian Opinion* version, however, is dated January 29, 1908.

[3] The Cartwright draft has only "the Indian community".

"B" COURT

No. 13   75

190 8.

L.D. 18.

In the Court of the Resident Magistrate

for the District of WITWATERSRAND.

Holden at JOHANNESBURG.

H. H. Jordan   Acting   before

Esquire, Resident Magistrate

for the said District, on the 10th day of January 1908

Rex

versus

C.219   Mohandas Karamchand Gandhi

Indian solicitor 37

Charged with the Crime of Con Sec 7 Act 5 of 1903.

in that upon (or about) the 9th day of January 1908

and at (or near) JOHANNESBURG

in the said District, the said accused, after having been ordered [illegible]

~~did wrongfully and unlawfully~~

to leave this Colony within 48 hours by the Assistant Resident Magistrate "B" Court, Johannesburg on the 28th December, 1907, under Section 8 [illegible] Act 5 of 1907, did wrongfully and unlawfully fail to do so within the time specified in the order.

The prisoner being arraigned, pleaded guilty

Judgment: guilty

Sentence: Two months imprisonment without H. L.

THE SENTENCE



"TOUCH ME NOT": A CONTEMPORARY CARTOON

registration at present would necessarily have to be of that voluntary nature which we originally prayed the Government to concede[1].

Under these circumstances we would once more respectfully suggest to the Government that all Asiatics over the age of sixteen years[2] should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register, the Act[3] be not applied, and that the Government take whatever steps they deem advisable to legalize such registration. Such mode of registration should apply to those also who being out of the Colony may return and otherwise possess the rights of re-entry.[4]

In taking the registration of Asiatics we do not object that the requirements of the Act and the regulations be as nearly as possible[5] complied with, provided the registration officials do not press for any information which offends the religious sense of the applicants, and receive discretion to dispense with the finger-print requirement in the case of those applicants who by reason of their education or property or public character are well known or can be easily identified otherwise. In those cases we urge that the officials should have discretion to accept the signature of the applicant as a sufficient identification.

Should the Government agree to these suggestions and accept[6] registration on these terms, we assume that all further prosecutions or punishments under the Act will be suspended during the period set aside for registration. We on our part again would undertake to use all our influence to induce our compatriots to register and withdraw all countenance from those who refuse to register or are not legally entitled to register.

We put forward the above suggestions because we are sincerely anxious to prove to the Government that we are loyal and law-abiding, and that we are willing to adopt any course which will lead out of the

[1] The offer of voluntary registration, which was an alternative to compulsory registration of all Asiatics envisaged by the Asiatic Law Amendment Ordinance, was first made at the Transvaal Indian mass meeting of March 29, 1907. *Vide* Vol. VI, pp. 401 & 404.

[2] The words "over the age of sixteen years" do not occur in Cartwright's draft. Gandhiji added the words "over the age of 16". The additional word "years" found in the Pretoria Archives version would suggest that the Cartwright draft together with Gandhiji's substantial emendations on it (S. N. 4907) was re-typed and minor changes of a purely verbal character made on a subsequent draft which is not available.

[3] The draft has "the penalties of the Act be not applied" from which Gandhiji deleted the words "penalties of the".

[4] This sentence does not exist in the draft and was added by Gandhiji.

[5] Underlined in the Pretoria Archives version but not in the draft nor in the *Indian Opinion* version

[6] "reopen" in draft instead of "accept"

present difficulty without violating our consciences[1], inflicting any indignity or casting[2] any stigma on us.

We have the honour to be,
Sir,
Your obedient servants,
M. K. GANDHI
LEUNG QUINN[3]
T. NAIDOO[4]

Pretoria Archives; also a photostat of the typewritten office copy with hand-written changes: S. N. 4907 and Colonial Office Records: 291/127

19. INTERVIEW TO "RAND DAILY MAIL"

[JOHANNESBURG,
January 30, 1908]

Mr. Gandhi on his return [from Pretoria] was seen by a *Mail* representative...

Many questions regarding the compromise were immediately levelled at his head....

[REPORTER:] Honourable to both sides, Mr. Gandhi?

[GANDHIJI:] Perfectly. The honour of the Colony has not been affected in the least, while the feelings and scruples of the Asiatics have received the fullest consideration.

Then it is no climb-down?

Absolutely not. We have merely made an arrangement by which the whole question has been satisfactorily settled—satisfactory to all parties concerned.

Anything more?

Mr. Gandhi drew the line here and intimated that the time was not opportune to say anything further regarding the negotiations.

Our representative then noticed that Mr. Gandhi's head was closely cropped and that his moustache was cut. He was asked whether he had been subjected to the regulations usually applied to criminals.

[1] "violating our consciences" added by Gandhiji. The Pretoria Archives version has, however, "conscience" in the singular.

[2] The draft had "cast" which Gandhiji changed to "casting".

[3] "Leader of the Chinese residents of Johannesburg"; chairman of the Chinese Association and the Cantonese Club.

[4] Thambi Naidoo; a Tamil businessman from Mauritius whom Gandhiji described as "lion-like"; who but for his rashness of temper would have "assumed leadership of the Transvaal Indian community"; had a flair for languages and cooking; passive resister and later chairman of the Tamil Benefit Society. *Vide* also *Satyagraha in South Africa*, Ch. XX.

No, this is all my own doing. As you know prisoners are not allowed the use of combs and brushes, so from hygienic motives I applied to the Governor of the Fort to be allowed to have myself cropped. He demurred at first but finally consented and—now look at me.

How were you treated while in the Fort?

With as much consideration as the Governor could possibly allow me under the regulations. I must express my appreciation of the manner in which we were treated by the officials there, but their powers in this direction are limited.

And the food?

The usual diet.

In what part of the prison were you placed?

In the Native section.

This was all the conversation that could be had during the short journey to the Mosque at Fordsburg. At the latter gathering place Mr. Gandhi met a number of his compatriots—although the hour was past midnight. To these faithful henchmen he briefly explained what had led to his release.

The impression gained during the conversation given above was that Mr. Gandhi was in no way inclined to consider his release from gaol as a victory to the participants in the passive resistance movement. On the other hand he seemed keenly pleased that a settlement had been come to by which neither side had suffered in honour, integrity or prestige.

The remaining Asiatics will be liberated from the Fort this morning.

Rand Daily Mail, 31-1-1908

20. *INTERVIEW TO "THE TRANSVAAL LEADER"*[1]

[JOHANNESBURG,
January 30, 1908]

Yesterday morning some Indian hawkers saw, as they believed, Mr. Gandhi proceed to the Railway Station in company with another gentleman, who proved to be Superintendent Vernon, who is in charge of the Fordsburg Police Station. There was, however, no certainty that it was Mr. Gandhi, and the fact of his having been seen was the basis of an interesting rumour only. As a fact, the Indians referred to were quite correct in their conjecture, for about a quarter past eleven Mr. Gandhi left the Fort for Park Station, whither he proceeded with Superintendent Vernon to Pretoria. But Mr. Gandhi's release—it technically takes place only today—came as a great surprise to his compatriots last night. Mr. Gandhi returned from Pretoria at 10 o'clock, and there was no one to meet him except the Chairman of the British Indian Association—Mr. Essop Mia—so well had the secret of the whole position been kept. A *Leader*

[1] This was republished with minor variations in *Indian Opinion*, 8-2-1908.

representative sought an interview with Mr. Gandhi after his arrival. In general health he seemed none the worse for his recent experiences, and was quite cheerful.

Prison Treatment

Asked as to the treatment meted out to him in prison, Mr. Gandhi replied that he and his fellow-prisoners could not be sufficiently grateful to the Governor and all the other officials for the kindness and consideration shown to them within the four corners of the prison regulations. But he added there was much to be said with respect to those regulations, and the accommodation and diet provided for Asiatics, who, to all intents and purposes, with one or two exceptions, were classed with Natives. Mr. Gandhi, however, preferred to explain the position more fully at a later stage.

The Compromise

Replying to questions on the larger issue, Mr. Gandhi remarked:

The compromise arrived at is largely the same that was offered by the Asiatic communities before proceedings under the Registration Act were commenced. This compromise will give complete identification of every Asiatic over the age of 16 years in the Colony, and those who may be entitled to remain in or re-enter it. The main distinction between the Act and the identification under the offer will consist in the sting of compulsion being removed. The compromise puts Asiatics on their honour and responsibility, and if it is not carried out faithfully by my countrymen I have no doubt that our position will deservedly be worse than it would have been under the Act. But I do not anticipate any difficulty. With reference to the wholesale arrests that have taken place during the last three weeks, I do not think that Asiatics can have any cause to grumble; that procedure was necessary in order to test the intensity—as also the reality—of our feeling about the Act. I may state that we who were at the Fort were allowed to petition the Government offering once more voluntary registration, and the course adopted by the Government was in response to that petition[1]. In my humble opinion the Government have shown real strength in acceding to the request. I would further and at this stage say that the leaders of the Asiatic communities, so far as I am aware, will loyally abide by the decision of the Colonists to avoid further immigration of Asiatics not entitled to enter by reason of previous domicile.

Prisons to Be Emptied Today

Last night a representative of the *Leader* gathered that today the incarcerated Indians, numbering some 220, will be set at liberty. As far as Johannesburg is concerned, there is no intention of holding anything in the nature of a demonstration, and the next few days will be devoted by the leaders of the Asiatics to the quiet instruction of

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.

their compatriots as to the new position of affairs. The leaders have every confidence that the compromise will be faithfully carried out.

The Transvaal Leader, 31-1-1908

21. LETTER TO "INDIAN OPINION"[1]

[JOHANNESBURG,
After *January 30, 1908*]

THE EDITOR,
INDIAN OPINION

SIR,

My fellow-prisoners and I have been inundated with telegrams of congratulation on what the senders have considered a victory for the Indian cause. We can only consider it a victory for Truth. In any case may I on behalf of my associates and myself, through the columns of this journal, thank the numerous senders of wires and writers of letters for their kindly thought. It has not been possible to write to individuals, for which omission, being unavoidable, I trust they will excuse us.

I hope and pray to the Almighty that, should the occasion arise again, we will all be prepared to undergo imprisonment or any other hardship —if such it may be called—for the sake of Truth, Honour and Self-respect.

I am etc.,
M. K. GANDHI

Indian Opinion, 15-2-1908 .

22. SPEECH AT MEETING OF BRITISH INDIAN ASSOCIATION[2]

[JOHANNESBURG,
January 31, 1908]

It is God in whom I placed my trust while launching on this struggle and advising the people to do likewise; it is He who has given us this unexpected victory, and it is to Him therefore that we must give our

[1] The Gujarati version of this letter (p. 55) is dated February 2, 1908. The English letter was presumably written between January 30 and February 2, 1908.

[2] On the evening of the day of his release, Gandhiji explained the terms of "the compromise" to fellow-Indians at a public meeting held under the auspices of the British Indian Association. The text of this speech was published only in the Gujarati section under the title "The Settlement Explained".

thanks. It is because I have always believed that God helps the cause of truth that I started this movement in His name. The success we have achieved is there for all of us to see. What has made the Government remit the sentences and open the prison gates and let the people out? Surely our truthfulness and strength. I used to say that, if we scrupulously followed the path of truth, the white Colonists themselves would veer to our side, and that is exactly what has happened. We are also thankful to the whites for the pains they took to further our just cause. They did so because they were inspired by God within to have sympathy for His oppressed devotees, and to fight on their behalf.

I need not refer to the remark General Smuts made in the course of a speech[1] that it was impossible to send everyone to gaol. All these things indicate that, if the [Indian] community remains united, it will always win through. We will now register voluntarily for purposes of identification and the scrutiny [of our rights of domicile] and the Government has accepted this [offer]. That means that the obnoxious law will die altogether. The stigma that attached to us under the law will now disappear. Under the proposed arrangement, the Government will accept signatures by educated persons and by owners of property, but unlettered people have to give ten finger-prints on the application forms. Though I am against this myself and will strive with the Government to the best of my ability to have the requirement waived, I see nothing wrong in having to give finger-impressions if the Government does not come round. For after all we shall be giving them of our own free choice. They must not be given if they are made compulsory. And the Government has allowed us a period of three months for the matter to be settled. I will therefore strive to obtain the best [terms] that I can for the Indian community.

Under the law, the Government wanted the compulsory registration of children, and this [provision] too, has now been dropped. The question of amending the law suitably will be taken up when Parliament meets in Pretoria. For the present, however, the sentences of imprisonment against us have been set aside, and it is now up to us to prove that we are honourable men. It will be no use having anything in writing from the Government, since the final authority is that of Parliament. We have thus to depend only on what Parliament does. Just as Lord Roberts and others used to make promises to us on behalf of the Imperial Parliament, so has the Colonial Secretary set us free in anticipation of Parliament's approval. When Parliament meets, we shall be delivered from this law[2]. That is, the Act will be repealed

[1] His Mayville speech; *vide* footnote on p. 13.

[2] Asiatic Registration Act

and the Immigration Bill will be suitably amended. The object of the Government will thus be secured, and we shall get the freedom that we have been demanding.

The reason why we have won is that people went to gaol,—150 from Johannesburg, 25 from Pretoria and many persons from other towns as well. Women did their true duty. The pickets in particular displayed unsurpassed skill which even the Government could not help admiring; the selfsame Government [which had resisted our demands earlier] came round clearly because it perceived the strength of the community. A campaign that is carried on in the name of God cannot but end in success. I am hopeful that I shall succeed in the matter of finger-prints also.

We have, however, no reason to feel triumphant over the measure of success that we have achieved, neither have the whites any cause to complain against the Government. Even God is won over by humility. It is, therefore, humility which will ensure our success in a just struggle. We must not play foul with the Government; rather, by adopting the highest standard of conduct for ourselves, we must convince the Government and the white Colonists that we do respect laws which uphold our dignity. If, through an oversight on the part of the Government, the door is left open and there is scope for some kind of fraud, our duty will be to shut that door. The Government will see for itself that we do not practise deception. When we have thus created a [favourable] impression on the minds of the Colonists by acquitting ourselves as befits us, the redress of our grievances is bound to follow.

Equally, the Government will be unable to go back on its commitment to us, for we have the great weapon of passive resistance. That was the weapon with which we brought the Government to its senses. Whatever the Government does now, it will do with the consent of our people. As long as we are ready to go to gaol and fight on, we shall wield sufficient power over the Government to make it do the right thing.

Whatever we plan to do now must be kept wholly confidential. Should anyone among us be found carrying information to the Government or some other party, he will have proved himself a veritable traitor. Nothing can be gained by playing the spy to the Government; on the contrary, it will be of advantage to remain with the community. Even those who have taken out registers[1] under the new law may gain their freedom if they take out registers under the proposed arrangement. We must also prove ourselves to be as good as our word, and thus furnish an earnest of our sincerity. As soon as Parliament meets, the [Asiatic

[1] In the Gujarati Gandhiji uses "register" for "registration certificate".

Registration] Act will be repealed and the immigration law amended. That is to say, domicile certificates will be issued as they are in Durban.

We have to thank those who gave us real help. We should pass a resolution expressing our gratitude to Mr. Polak[1], Mr. Ritch[2], and Mr. Cartwright[3], the editor of *The* [*Transvaal*] *Leader*, as also to the others who joined the struggle.

[From Gujarati]

Indian Opinion, 8-2-1908

23. *INTERVIEW TO REUTER*

JOHANNESBURG,
January 31, 1908

Mr. Gandhi interviewed said that those who proved their right to a domicile should not only be left in the Colony unmolested, but should be given every encouragement, so that instead of remaining a festering sore, they might as far as possible be assimilated and form part of the future South African nation. The dominant race should look forward to the time when the lower races should be raised higher in the scale of civilization. Mr. Gandhi agreed with General Smuts that the system of indentured labour in Natal should be stopped at any sacrifice.

India, 7-2-1908

[1] Harry Solomon Leon Polak; assistant editor of *The Transvaal Critic* who joined *Indian Opinion* (Vol. IV, p. 326) after Gandhiji had struck up a "casual" acquaintance with him in the Johannesburg vegetarian restaurant; "had a wonderful faculty of translating into practice anything that appealed to his intellect"; he took to life in Phœnix "like a duck takes to water" and "we began to live like blood brothers", says Gandhiji who was also best man at his wedding. Became Editor, *Indian Opinion* in 1906 during Gandhiji's absence in England and a full-fledged attorney in 1908 after having served an apprenticeship with Gandhiji; was arrested after the "Great March" into the Transvaal in 1913; visited India and England to help African Indian cause. *Vide Autobiography*, Part IV, Ch. XVIII, XXI & XXII and *Satyagraha in South Africa*, Ch. XXIII & XLV.

[2] L. W. Ritch; Theosophist and manager of a Johannesburg commercial firm before he joined Gandhiji as an articled clerk; passed his Bar examination in London (*vide* Vol. VI, pp. 67 & 86); Secretary, South Africa British Indian Committee (Vol. VI, p. 228) of which he eventually became the "moving spirit". *Vide Autobiography*, Part IV, Ch. IV & XIII and *Satyagraha in South Africa*, Ch. XIV & XXIII. For his pamphlet on British Indians in South Africa, *vide* Vol. VII, Appendix.

[3] Albert Cartwright; editor of *The Transvaal Leader*; was "as broad-minded as he was able" and "always supported the Indian cause in his columns"; the "Angel of Peace" who mediated between Transvaal Indians and Smuts in the controversy regarding the Asiatic Registration Act. Gandhiji describes him as "deeply shocked" at Smuts' failure to keep his promise. *Vide Satyagraha in South Africa*, Ch. XXI & XXV.

24. *CABLE TO S.A.B.I. COMMITTEE*[1]

[JOHANNESBURG,]
February 1, 1908

[AFRICALIA[2]
LONDON]

COMPROMISE CONTEMPLATES REPEAL ACT AND SAME AS VOLUNTARY OFFER BEFORE.

[GANDHI]

India Office, Judicial and Public Records: 3722/08

25. *EXTRACT FROM LETTER TO S.A.B.I. COMMITTEE*[3]

February 1, 1908

...At the end of three months if the registration is not satisfactory, the law can be made to apply against those who have not registered. On the other hand, it is understood that if we fulfil our contract the law will be repealed by amending legislation. A Bill will be introduced at the next session of Parliament legalizing what has been done....

India Office, Judicial and Public Records: 3722/08

26. *LETTER TO GENERAL SMUTS*[4]

JOHANNESBURG,
February 1, 1908

DEAR MR. SMUTS,

After the conversation that Mr. Chamney had with me on Thursday, I sought an interview with you again, and Mr. Lane[5] told me that

[1] This is extracted from a precis of events in the Transvaal sent by Ritch to the Colonial Office, which was subsequently printed. The cable was republished in *Indian Opinion*, 7-11-1908.

[2] Telegraphic address of the South Africa British Indian Committee, London

[3] This is part of a precis of events in the Transvaal Ritch enclosed with his letter to the Colonial Office, dated October 6, 1908.

[4] The entire Gandhi-Smuts correspondence between February 1, 1908 and June 13, 1908 was reproduced in *Indian Opinion* under the title "Was Repeal Promised? Complete Correspondence". A copy of this letter was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

[5] Smuts' Private Secretary

I would be able to see you before I went. I was not, however, fortunate enough to do so.

The conversation with Mr. Chamney made me a little uncomfortable, because he still harped away on the Asiatic Act. Indeed, from him I gathered that the registration that will now proceed will be legalized under that Act. At the interview with you, I did not understand any such thing at all, and the joint letter[1] of Messrs Quinn, Naidoo and myself, too, makes it clear. I am most anxious to see this business finished without the slightest difficulty and with perfect satisfaction to yourself. I am, therefore, naturally most anxious to avoid any misunderstanding. Pray believe me also when I say that I shall leave no stone unturned to remove the difficulties in your path owing to the clamour of anti-Asiatic agitators. May I, therefore, ask you to be good enough to re-assure me on the point? To legalize voluntary registration under the Asiatic Act would be to re-open the question at the sorest point. You were good enough to tell me that the method of legalization[2] will be discussed later on as between us. I have already suggested that the best way to do so would be under the Immigrants' Restriction Act by amending it in so far as may be necessary.

I take it, too, that the form of application and registration will be settled in consultation with the leaders of the community, and that this will be done as quickly as possible, so that registration may proceed.

I left a message, too, with Mr. Lane with reference to the ten finger-prints. I discussed this with Mr. Chamney, and he could show absolutely no justification for the ten finger-prints. Indeed he admitted that, for identification, one thumb-impression was quite sufficient. While to me, personally, it is immaterial whether thumb-prints or digit-impressions be given, there are many amongst the Asiatics to whom the latter present an impassable difficulty, and, as I know you want only effective identification, I do hope you will accept thumb-impressions. In answer to my inquiry, I have now received telegrams from the Protector of Indentured Immigrants and the Principal Immigration Restriction Officer in Natal. The Protector says:

> The system of taking ten finger-impressions from indentured Indians on arrival commenced in April 1903, on being found desirable.

The Immigration Restriction Officer who controls the immigration of free Asiatics has replied as follows:

> Referring yours of date both thumb-impressions only required for certificates issued in this Department.

You will now see that the information given to you by Captain (?) Clarke is incorrect. The distinction observed by the Immigration

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[2] The version available in India Office Records has "legislation".

Department and the Protector's Department, too, is most valuable testimony in favour of my contention. The Protector has to deal with a class of Asiatics who have every temptation to hide their identity. Classification in their case is, therefore, necessary. The Immigration Department has to deal with a class of Asiatics and others who have always to prove their identity in order to make good their claim to enter or remain in Natal. Hence that Department requires only thumb-impressions. Does not this show conclusively that you do not need digit-impressions at all? And, as my expert adviser tells me, the system of classification, besides being totally unnecessary, is costly compared to the system of identification merely. At the Cape, too, only thumb-prints are required. And, in this connection, I do wish to impress upon you the fact that the question of discretion is an element which will lead to favouritism and even fraud ultimately. A man who may be perfectly wealthy, I need hardly point out, is not necessarily an honest man, and yet, because he may be known otherwise, his signature alone will be accepted. To my mind, the only exception that should be made should be in the case of those who may be able to pass the education test prescribed by the Immigration Act. These, of course, carry identification on their own persons, but with reference to the others, speaking from experience, I urge that the discretion be dropped; but if you insist on ten finger-prints there will be applications wholesale for the exercise of discretion, and I am positive, armed as I am with expert opinion on finger-impressions, that you do not need ten finger-prints for identification.

I also venture to suggest that the open permission to Indians to trade without licences will give rise to bickerings amongst the Colonists. Do you not think it will be better either to issue licences or to take from them deposit of licence fee against provisional receipts?

I hope I have done the proper thing in adopting a familiar tone in writing this letter, which is purely personal and confidential, and your reply will be also so treated. If in any of the public statements I have been making you think that I have been at all indiscreet, pray correct me.

I am,
Yours truly,
M. K. Gandhi

General J. C. Smuts
Pretoria

Indian Opinion, 4-7-1908

Also India Office, Judicial and Public Records: 2896/08

27. *LETTER TO THE VOGLS*

JOHANNESBURG,
February 1, 1908

DEAR MR. AND MRS. VOGL[1],

Kindly accept my thanks for your congratulations[2]. I do indeed believe that your good wishes are an expression of the heart and not merely a formal one.

Mahomed Khan[3] told me yesterday that Mrs. Vogl was keeping indifferent health. I was sorry to hear it. I wish I could come over to see her as also to thank you both personally, but just at present I must know no rest. The work of destruction is finished, that of construction has commenced—a far more difficult one, but, seeing that I have not relied upon my own strength but on the strength of Truth, otherwise spelt God, I am quite at ease.

Yours sincerely,
M. K. GANDHI

From the typewritten original : C. W. 4407. Courtesy : Arun Gandhi

28. *INTERVIEW TO THE PRESS*[4]

[JOHANNESBURG,
February 1, 1908]

. . .This campaign has undoubtedly shown one thing, if it has shown anything—that Indians in the Transvaal are deserving of self-respect and of being classed as men. The charge has often been brought against them that they are incapable of acting in concert for the common good. I think I can fairly claim for my countrymen that they have shown unexampled self-sacrifice. Hundreds of poor hawkers, rather than pay the small fines that were inflicted on them by the magistrate, underwent the hardships of prison life, simply for the sake of principle. In the course of my practice I have not noticed many clients who have been willing to go to gaol when there has been the option of a fine. They have been willing to pay the heaviest fines if thereby they could avoid

[1] Vogl was a draper. He and his wife sympathized with the Indian campaign. Mrs. Vogl took a keen interest in Indian women and conducted classes for them.

[2] On Gandhiji's release from jail

[3] An employee of Gandhiji, and a satyagrahi

[4] This was published in *Indian Opinion* under the title "Mr. Gandhi Interviewed: Playing the Game". As for the date of the interview, *vide* footnote on p. 54.

imprisonment. I must say that, to a certain extent, the cohesion that has been shown by the poorest Indians in the Colony has been an eye-opener even to me, and I have no doubt it has been to the Colonists. I think it might also, therefore, be claimed that if the compromise that has now been arrived at is honourable to Indians, as it undoubtedly is to the Government, Indians have figuratively bled for it. It is not possible to give an adequate idea of the sacrifice made by hundreds of Indians, and in this category I include those Indians who left the Colony because they did not consider themselves strong enough to brave the struggle. Merchants with large stocks in the Colony were perfectly resigned to any consequences, but they would not submit to a law which in their estimation degraded them. It was necessary, I think, for British Indians to show as much as they have, before they could claim to be trusted, and in accepting the petition the Government have done nothing more than give British Indians three months' grace. We are now put upon our mettle. To my mind the real work commences only now. We have to play the game.

We have to show to the Government and to the Colonists that Indians as a body have nothing to do with surreptitious entry—that although there is no legal obligation we recognize a moral obligation to give the Government complete identification of every Asiatic who is entitled to remain in the Colony or to re-enter it, and if we succeed in doing that I think that the bitterest opponent of British Indians will have to admit that those who prove their right to domicile and give the Government full particulars as to identification should not only be left in the Colony unmolested, but that they should have every encouragement, so that instead of remaining in the Colony as a festering sore they may so far as possible be assimilated and form part of the future South African nation. I do think that the highest statesmanship in South Africa consists not in treating any class of its inhabitants as almost animals or pariahs, but it consists in treating them as men, and raising them to a higher level. The question of unfair competition and such other questions crop up only because sometimes one notices cases of unfair competition, but all these matters can certainly be remedied if the different races living in South Africa were to be educated up to a proper sense of citizenship. By proper citizenship I don't for one moment claim that all the races should be clothed with the franchise, but I do claim that the dominant race should look forward to a time when those lower races will be raised higher in the scale. Looking at the whole question in that light, I for one have no hesitation in agreeing entirely with General Smuts' remarks with reference to the indentured Indians in Natal. As a matter of fact, the British Indian population there has always submitted that indentured labour should be stopped, no matter at what sacrifice. Indians—that is, free Indians—have never

countenanced nor wanted the system of indentured labour, and I admit that, but for the system of indentured labour in Natal, the Asiatic question would not have caused the trouble it has. I certainly believe that, so long as Natal continues to import indentured labour, so long will there be some trouble or other in connection with Asiatics. But I don't wish, in making this statement, to be understood as saying that indentured Indians, after regaining their freedom, have been flooding the Transvaal. I know such statements have been made before now, but I am positive there is absolutely no foundation for them, if only for the reason that the supervision over indentured Indians is very strict, and no Indian from India is allowed to leave the Colony unless he has received his free pass. The Immigration Department of Natal is practically in a position to trace every indentured Indian.

Questioned with regard to his experiences in the Fort, Mr. Gandhi said:

So far as the gaol authorities are concerned, they could not have been more considerate. The Governor and all other officials were most kind and courteous. The Governor paid a visit every day, and regularly enquired whether we had any complaints or requests to make, and, if there were any, they were promptly remedied. Any request that could be granted within the regulations was immediately granted. Facilities were given for taking out books from the Prison Library and for receiving books from outside.

Mr. Gandhi added that, lest a remark in yesterday's *Transvaal Leader*[1] should be misunderstood, he desired to state that the gaol premises, so far as he was concerned, were kept scrupulously clean, the only exception being a place where prisoners who could not be sent to their respective cells had to wait. This place was full of bugs, which came, however, from the woodwork, and its condition was not the fault of the gaol officials, but was due to the cramped space at their disposal.

Indian Opinion, 8-2-1908

[1] This is presumably a reference to the following in a *Transvaal Leader* news-item announcing Gandhiji's release and the terms of the settlement between the British Indians and General Smuts. "...The relief with which the Asiatics themselves will once more breathe free air will scarcely exceed that of the prison officials at getting rid of involuntary guests who, owing to their number, the peculiarities of their diet and their non-criminal character have tried the resources of several of the public gaols to their utmost. The sufferings of the prisoners have been acute. In one little yard in the Johannesburg Prison, the capacity of which is 45, over 150 men had to pass their days during this trying weather. Two of the Indians dropped down in the ranks, fainting on account of the heat. The Asiatics complain bitterly that the room at the Johannesburg Prison, in which they were taken to have their clothing changed on entering the prison, had its roof and sides so full of vermin that it was impossible to keep their clothes or hair free from the pest—a state of things due to the age and rottenness of the wood...." This news-item appeared in *The Transvaal Leader*, 31-1-1908 and this interview therefore took place on February 1, 1908.

29. LETTER TO "INDIAN OPINION"

JOHANNESBURG,
February 2, 1908

THE EDITOR
INDIAN OPINION

SIR,

The Association, my fellow-prisoners and I have been flooded with telegrams of congratulations. Many letters have also been received. There is no time to send individual replies. May I, therefore, on behalf of my associates and myself convey, through the columns of this journal, our thanks to all those who sent telegrams and letters. I request to be excused for not sending individual replies. Moreover, I hope and pray to the Almighty that, should the occasion arise again, the Indians who went to prison this time, as also other Indians, will do what the former did for the sake of Truth and for the sake of our motherland.

I remain etc.,
MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 8-2-1908

30. SPEECH AT MEETING OF BRITISH INDIAN ASSOCIATION[1]

[JOHANNESBURG]

I have worked and will continue to work as a passive resister, which means that I must fear no one but God. Some persons are threatening to resort to violence if the community agrees to give the ten finger-prints. I must tell these persons that I myself gave my finger-prints twice while in gaol. If violence is to be used against anyone, let it be first used against me. I will not lodge a complaint with the magistrate on that score. Rather, I shall thank the person who assaults me, grateful for the blow from one of my brethren and feel honoured by it. The responsibility for whatever has happened is mine as it will be for whatever happens in the future. No one therefore but myself is to be blamed for any of the things [that have happened]. I wish not to be proud of being the leader of the community nor do I claim any credit for that; I wish only to remain a servant. I shall feel joy in rendering whatever service I can to the community. It is my duty to make public the true

[1] Held at Johannesburg on February 2, 1908 with Essop Mia in the chair

state of affairs; that is what I have always done. If, under the new law, I were asked to take out the register by only signing my name, I would have refused to do so. Once the new law is withdrawn, I hold that it will be in keeping with our dignity to take out the register voluntarily. Our pledge has been honoured and the demand that we insisted upon has been conceded which means that we shall be treated as men. No one else knows about the law as much as I do and can explain it as well as I. I do not say this out of pride; only because whatever explanation I give will be correct to the best of my judgment. I am thoroughly familiar with all that has happened since 1903. There is only one task we have accomplished through the fight, and that is to have prepared the ground. What remains now is to construct a building on it. We have now to decide what kind of a building we shall construct and how. It is not yet settled that digit-impressions will have to be given. However, it is only through our own free choice that we will give them, if at all. I am doing my best in this matter as I said on an earlier occasion as well. I wish to repeat that whatever we do now is to be kept private; we must not make a fuss in public about all this. We stand to lose to the extent that we do. We must behave with the utmost humility. The courage we have shown in joining the movement against the Government is bound to be rewarded. And we must continue to act with the same courage. I am doing nothing for the community for the sake of reward or fame. Everything I do is as a matter of duty, and I shall continue to do so in future. If anyone wants legal advice, my office is always open. And I shall give the best advice I can. You may accept or reject it as you think best. I am always with the community. I have explained the question about the law, but further elucidation will appear in the *Opinion*, which may be referred to.

[From Gujarati]
Indian Opinion, 8-2-1908

31. LETTER TO MAGANLAL GANDHI[1]

JOHANNESBURG,
February 5, 1908

MY DEAR MAGANLAL,

I had intended to write to you in Gujarati, but I cannot. I have seen your letter. It was good that you sent a full account. It was your duty. [These] things cannot affect me, at any rate seriously, as they will affect you, for two reasons: (1) because I am [much inured] and

[1] This letter is damaged at places.

seasoned; (2) because being at a distance I can take a proper perspective. The discontent in Durban does not affect me or disturb me in the slightest degree. I did not expect it in such vehe[mence]; but neither is it unexpected, if you could perceive the difference between the two expressions. I am fully prepared for it, for the simple and sole reason that, while I have utilized all the help received and promised, I have never placed unflinching reliance on any such helps. At best, I have treated them as so many instruments through which God, otherwise Truth, has worked. Have I not noticed times without number that particular men have been [faithful] only in so far as it was necessary for them to serve Truth unconsciously [for] not having had it in them they have fallen away as scales do from trees as soon as their protective [function is] finished. In so far as you al[low] these events to beat you to the extent [they] have, you have not assimil[ated them] and you have not understood [the chasten]ing effect of suffering.

What does it matter...to me if even the few who un[derstand] the real struggle were to turn round...I not say[1] on the establishment... settlement that a time might come when every vestige of support might [be] withdrawn from us? Even then, we [will] continue to do our duty unflinchingly, undismayed, and without being morose. That time has not come, but those who are prepared for the worst can always philosophically take the intermediate stages. You should, therefore, hear these things and let them pass away from your minds as water from a duck's back. I know you do not need replies to several of these questions raised by the people there. [There is] not one which I have not cons[idered] which I did not provide for to the [best of] my ability. I hope this will [find you all] right.

I wish I could pay a visit to Phœnix and see you all, but that cannot be yet. However, I might be able to do so in a month's time.

Never omit to give me full details of everything that may go on there even if it may be simple.

Yours sincerely,
MOHANDAS

[PS.]

Share this letter with the others. Ask me about what you cannot follow.'

From the handwritten original signed by Gandhiji with a Gujarati postscript in his hand: S. N. 4794. Courtesy: Chhaganlal Gandhi

[1] "and not stay"?

32. *HUMILITY*

There is an Indian proverb that "the more the mango tree flourishes, the more it droops". There can be no gainsaying the fact that Indians in the Transvaal have come out of their struggle with honour, and, what is more, without their sacred resolution having been broken. The suffering that they have gone through must be taken as a necessary process of purification.

The compromise contemplates the ultimate repeal of the Act, which was the soul of the objection. The voluntary registration which has been offered often has now been accepted, and the condition stated in the dignified, yet humble, letter written by Messrs Gandhi, Quinn and Naidoo is that the Act is not to apply to those who voluntarily register themselves. The Government receive all they wanted in the way of identification, so that each party gets the substance it was striving for. Looked at in that light, the compromise reflects credit alike on the Government and on the Indian community. The Government have shown their strength in having even at the eleventh hour recognized the necessity of consulting Indian sentiment. The much-discussed finger-prints remain, though in an elastic manner, and their acceptance by the Indian community shows not only its prudence, but it shows that the Indian objection has never centred round finger-prints.

We must decline to call this compromise a victory for Indians. That were an abuse of terms, but, if it be at all applicable in this connection, the victory is for Truth. Indians have always stated, and rightly so, that this was a religious fight. People who only give a superficial meaning to the word religion, have failed to see any in the Indian struggle, but Indians themselves have thought otherwise. They undertook it in the name of God, and they have to humble themselves before Him for having received sufficient strength to come through the ordeal.

Moreover, Indians have little reason to glory over the compromise, but every incentive to walk humbly, because the work of a different and higher type has only just commenced. The community has, of its own asking, been put upon its trial. Instead of the law requiring it on pain of suffering the penalties, they have incurred a moral and, therefore, a higher obligation by offering the Government every facility for identifying all Indians entitled to reside in the Transvaal. It is, therefore, now constructive work, and, whilst the community has proved itself capable of carrying on in an orderly, peaceful and perfectly courteous manner, the necessary work of destruction, it has now to show that it is capable of solid and substantial constructive work. When it

has proved itself worthy of the confidence reposed in it, the Indian community may have reason to congratulate itself, and will certainly have risen very high indeed in the estimation of all thoughtful men.

Indian Opinion, 8-2-1908

33. VOLUNTARY REGISTRATION

We have been informed that the work of voluntary registration for all the Indians in the Transvaal and which has been accepted by the Government commences in right earnest on Monday next, the 10th instant, at Johannesburg, in the Old Dutch Church, Von Brandis Square, from 9 o'clock in the morning, except on the first day, when it will be from 10 o'clock. Due information will be given with reference to registration in other places, and it is stated that, except in Pretoria and Johannesburg, the receiving of applications will be left in the hands of the magistrates in the different parts.

The form of registration certificate and the form of application have been considerably changed, in order to suit the new situation. Every adult male Indian should present himself for registration, and all those who are entitled to receive the certificate will be registered. Roughly, those who are in possession of permits *bona fide* issued to them, and those who are in possession of old Dutch registration certificates, being their property, and all children who entered the country openly when they were under the age of 16 years will be registered. The following may be, to all intents and purposes, laid down as the rule regarding the methods of identification:

(a) At the discretion of the Registrar, signatures, that is to say signatures well formed, bearing the impress of the signatory and not a mere tracing of letters, will be accepted in place of finger-prints from those who may possess property qualifications, or may be otherwise known as residents of the Transvaal.

(b) Signatures in place of finger-prints will be accepted from those who possess educational qualification sufficient to satisfy the test under the Immigrants' Restriction Act.

(c) Those who have any real or conscientious objections to giving ten finger-prints, and who do not fall under either of the above clauses, may be allowed to give thumb-prints instead of digit-impressions.

Whilst all these are very liberal concessions, in our opinion, it will be more becoming of the Indian community not to take advantage of them. The main point having been secured, we are of opinion that everyone should give digit-impressions without the slightest hesitation. In any case, the leaders who have a right not to give finger-prints should be the first to waive it and offer to give those impressions, so as to facilitate

the work of identification, and make the process easier for the Government. We believe that the Indian community will show its real dignity by making as limited a use of the concession as possible. We understand that Messrs Essop Mia, Gandhi, and others who have been closely identified with the struggle, have decided not to claim the concession.

Indian Opinion, 8-2-1908

34. TRIUMPH OF TRUTH

"With an even mind face happiness and unhappiness, gain and loss, victory and defeat, and so join battle, thou son of Prithu; thou shalt incur no sin thereby."[1]

The Transvaal Indians, we believe, have emerged completely victorious. They struggled for 16 months. All the sections [of the Indian community] have become united. Indians all over South Africa were roused. Their pledge about gaol-going has been fulfilled. And the settlement followed with unexpected speed. It is a miracle that the prison doors opened before the term of imprisonment had expired. We shall not come across many instances of this kind in world history. The Government has placed great confidence in the Indian community and an equally heavy measure of responsibility. The demand of the Indian community has been accepted, namely, that the law should not apply to them. The words, "the law should not apply to them", need to be carefully understood. An oath was taken in September 1906 not to submit to the law. Submission to the law was the only issue at that time. The regulations made under it in July [1907] did not then exist.[2] The Government has now promised not to apply the law to Indians on the condition that the objective of the law should be secured by the Indians themselves acting of their free will, that is, without the compulsion of that law. This condition means voluntary registration. The Indian community has time and again offered to register on its own. The Government has now at last accepted the proposal and agreed not to apply the new law to those who register voluntarily. This means that the law will remain valid only for the blacklegs; alternatively there may be another law applicable to all.

When the movement started, there were quite a few weak-minded Indians who argued, "The laws of the State are inviolable"; "It is like running one's head against a wall"; "It will do if the Government makes a few changes in the law"; "It is madness to resist the Government" and so on. Those who argued in this manner showed little faith in Khuda-Ishwar, swayed as they were by greed for money or other unworthy

[1] *Bhagavad Gita*, Ch. II, *v.* 38

[2] *Vide* Vol. VII, pp. 82-4.

temptations. The selfsame law is now about to fall apart. It has not gone yet, but the Indians who were imprisoned have been released with the assurance that it will go. All the newspapers, without an exception, are astonished. The whites are dumbfounded and wonder how all this came about.

We consider this a victory for truth. We do not claim that every Indian adhered to truth in the course of the struggle. Nor do we claim that no one thought of his own interests during the campaign. We do, however, assert that this was a fight on behalf of truth, and that most of the leaders fought with scrupulous regard for truth. That is why there has been such a wonderful result. Truth is God, or God is nothing but Truth. We come across this idea in every religion. It is a divine law that he who serves that Truth—that God—will never suffer defeat. Sometimes men of truth appear to have failed, but that is no more than a fleeting appearance. In reality they are not defeated. When the result is not as we wanted it to be, we tend to think we have failed. But that which appears a defeat to us is often but victory itself. There are thousands of such instances [in history]. If, with some measure of truth on our side, we strive for a certain result and fail, the blame does not lie with truth but with us. If a particular result does not serve our good, God will not grant it, however much we may desire it. That is why we quote above a verse from the *Gita*, which says that we must fight on, with an equal mind, through happiness and unhappiness, gain and loss. If we do so, we shall incur no sin. This is a time-honoured solution. With that key, we shall be able to open the most unyielding of locks. He who fights in this manner will fight only in the name of God. He will give no thought to success or failure. He is pledged only to the great task of serving Truth, doing his duty in the name of God. The outcome itself is in the hands of the Lord Almighty.

If this is a victory for truth, it is also a victory for satyagraha. Every Indian should by now be convinced that satyagraha, or passive resistance, is an infallible remedy. It can cure the most dangerous of ailments. Our success should lead at least to one result, namely, that we make full use of satyagraha. Only it should be used on proper occasions, and the people should remain united. It must also be realized that there are evils to which satyagraha cannot be applied. It can be effective only in situations where we are required to act positively. For instance, if the Government does not allow us to acquire land, satyagraha will be of no avail. If, however, it forbids us from walking along a certain foot-path, or asks us to shift to Locations, or seeks to prevent us from carrying on trade, we can resort to satyagraha. That is, if we are required to do anything which violates our religion or insults our manhood, we can administer the invaluable physic of satyagraha. There is one

condition, however, to be observed, if the remedy is to be effective: we should be prepared collectively to accept hardships.

Some persons may well feel that all this is empty talk. What victory has there been to talk about? Here we are yielding on the question of giving digit-impressions. I am afraid that those who argue like this do not know the true position. This was not a struggle against digit-impressions. Once the law is gone, there is no harm in our having to give the ten finger-prints. The giving of finger-prints is not in itself a disgraceful thing. But under the new law giving anything whatever is objectionable. There is no humiliation in polishing a friend's shoes as a gesture or of our free will. But polishing shoes out of fear, when ordered to do so, would amount to demeaning ourselves as menials. In other words, whether a particular thing is good or bad depends on the context. We know that there are many Indians who have mistakenly assumed that our campaign is against the giving of ten finger-prints. But such Indians should realize that there is no humiliation in giving ten finger-prints when not compelled by the law. Doing so certainly does not amount to a violation of our pledge. At the moment of writing it is not finally settled that the digit-impressions will be asked for. Every effort is being made to ensure that they will not be. But it is our duty to place the matter before the people in the proper perspective. Digit-impressions whether or not they are required should not lead to any difficulty. It is essential to present a correct idea of the object of this campaign.

[From Gujarati]
Indian Opinion, 8-2-1908

35. TO THOSE WHO SUBMITTED TO THE OBNOXIOUS LAW

We have been describing blacklegs as black-faced people. That was done deliberately and without anger. It was our duty to do so. We did not, however, use that description with any ill-will, only we felt grieved because of our love for them.

The time to call anyone a black-faced person is now over. It was necessary to draw public attention to their conduct by way of warning. Now that the struggle is at an end, it will be improper to use any such description. We shall therefore stop writing in that manner and also advise the people who remained free not to feel angry with those who submitted to the outrageous law, and, forgetting their lapse, to put an end to the estrangement that has grown. They are brothers of other Indians, belong to the same land and have the same blood as other Indians have. [A block of] water cannot be cloven asunder by the stroke of a stick; similarly we cannot be separated from one another.

To those who accepted the outrageous law, we would suggest that they admit their mistake in all humility and be reconciled with the community. They should pray to God to forgive them their mistake, and should such an occasion recur, act with strength.

The suggestion about building a Federation Hall has been revived. If such a hall is built, these persons can offer much help. While the whole community has suffered hardships and heavy losses, those who submitted to the outrageous law have made money. In any case, they submitted to the law for the sake of money. It is therefore only proper that they should offer a large and adequate subscription towards the cost of the Federation Hall.

This suggestion of ours is not to be forced on them. That will not bring about any sincere repentance. Their donation will have grace only if they offer it with sincere concern for the benefit of the community or the country. We hope that the Memons who behaved with courage and upheld the honour of the community and the Memons from outside the Transvaal will explain to others who have submitted to the law what their duty is; and similarly persons belonging to the other communities who took out the registers [under the compulsion of the law] should also be approached by members of their respective communities as also by other Indians.

[From Gujarati]
Indian Opinion, 8-2-1908

36. *RITCH'S GREAT ACHIEVEMENT*

It is impossible to evaluate Mr. Ritch's services, but it can be asserted that we would not have been successful but for his help and that of others. We suggest that the Indian community should adequately express its appreciation of his work. Indeed it is the duty of the community to do so. At the present moment Mr. Ritch's duty is really by Mrs. Ritch's bedside. He has instead remained at his post without a moment's respite. The value of such self-sacrifice cannot be exaggerated. Mr. Ritch being a poor person, we think the best way would be to offer him a cash present.

[From Gujarati]
Indian Opinion, 8-2-1908

37. WHY NOT IN GOLDEN LETTERS?

We earlier commented on a letter from "Rasik" saying that, when Indians returned from their pilgrimage to the "gaol-palace" and success had been won, we would think of printing *Indian Opinion* in golden letters. Now the question has been raised again by some of our readers, [but] we do not think that our victory is yet complete. From one point of view, of course, it has been a real victory. That is, the conditions of satyagraha have been fulfilled, the gaol gates have opened and an agreement has been reached for registration outside the framework of the law, which, if carried out, would mean the end of the law. Two things therefore remain for the future. We need not be unduly flattered by the fact that the Government has trusted us; the real victory will be ours when Indians prove themselves worthy of the trust. We have done good spade-work, namely, the clearing of the ground and the digging for the foundations. It remains to be seen what kind of superstructure we can build. The Government has placed in our hands the key to the repeal of the law. We shall have achieved complete success when we use that key and when the law has in fact been repealed. It is only now that we are faced with the really difficult work. It will call for strenuous effort. There will be need for greater patience and the utmost honesty. Let us see whether or not we are capable of these. Some Indians ask whether the Government may not in spite of all refuse to repeal the law even after we have registered ourselves voluntarily. We think this doubt needless. For, what if Indians do not honour their word? That is in fact the more important question to ask. We have to go through voluntary registration in the manner prescribed by the rules. Everyone should think, not of self-interest, but the interests of the community as a whole, and register as quickly as possible. Furthermore, only those who are really entitled to do so should take out registers. No one should attempt to gain any illegitimate advantage [out of the situation]. We sincerely wish to see that no Indian is proved dishonest and that all the applications for registration are passed without exception. The glorious success that Indians will achieve then, the hosts of heaven will come down to watch. The law will then automatically stand cancelled, and that will be the time to accept the suggestion for printing *Indian Opinion* in golden letters.

[From Gujarati]

Indian Opinion, 8-2-1908

38. JOHANNESBURG LETTER[1]

WHAT DOES COMPROMISE MEAN?

On January 29, Mr. Gandhi, Mr. Naidoo and Mr. Quinn addressed a letter[2] to General Smuts from the Johannesburg Gaol.

REPLY FROM GENERAL SMUTS[3]

PRETORIA,
January 30, 1908

GENTLEMEN,

I have the honour to acknowledge the receipt of your letter of yesterday's date addressed to the Colonial Secretary in which you tender voluntary registration of all Indians and Chinese legally resident in the Transvaal and entitled to register. The Colonial Secretary instructs me to say that he appreciates the wisdom of the step you have taken in response to his repeated public declarations that if the Asiatics in the Transvaal volunteer to register in a body an opportunity for registration should be given them. You have correctly set out the legal position in your letter and in default of registration under the Act which is no longer possible after the expiration of the notices the Colonial Secretary can only accept registration in a form similar to that prescribed by the Act and subject, as regards the regulations, to the small alterations you mention, and lay the matter before Parliament at its next session. In the meantime the penalties of the Act will not be enforced against those who do register, and the Colonial Secretary accepts your assurance that you will use your influence with your compatriots to make this registration effective and final.

I have the honour to be, Gentlemen,
Your obedient servant,
E. M. GORGES,
ACTING ASSISTANT COLONIAL SECRETARY

WHAT LETTERS MEAN

Both of them are political documents. It was due to the efforts of Mr. Cartwright, editor of *The Transvaal Leader* [that these letters were exchanged]. Mr. Cartwright has himself suffered imprisonment for reasons of conscience. That is why he has since remained indefatigable in his support of the Indian cause. He obtained special permission

[1] Two items under this title dated January 18 and 25, 1908 are not by Gandhiji, as he was in jail during the period, and these have not been reproduced in the volume.
[2] For the English text of the letter, *vide* "Letter to Colonial Secretary", pp. 40-2.
[3] This is reproduced from the English section of *Indian Opinion*, 11-7-1908.

from the Government to meet Mr. Gandhi in gaol and visited him twice. The first meeting took place on Tuesday, the 21st. In the course of that meeting it was agreed between the two that the new law should be repealed during the following session of Parliament and that the Indian community should immediately take out registers voluntarily. The agreement was also put down in writing. Mr. Cartwright then met the leaders of the Progressive Party. While accepting the suggestion, they asked that the Indians should write a letter from gaol volunteering to register. Mr. Cartwright himself drafted a letter to that effect and brought it to gaol on the 28th.[1] The draft petition did not, however, say categorically that the new law would not apply to those who registered voluntarily, and it was moreover on behalf of the Indians alone. It did not furthermore safeguard the interests of those who are outside the Transvaal at present, and included children under the age of sixteen [for purposes of voluntary registration]. Mr. Gandhi therefore proposed changes on both these points. On Mr. Cartwright appearing hesitant, Mr. Gandhi told him that, if these were not accepted, Indians would prefer to continue in gaol. Visibly touched, Mr. Cartwright said, "Well, you must make whatever changes you want. You are fighting for truth. The changes you propose are reasonable, and necessary for your self-respect. If Mr. Smuts does not accept them, I shall myself oppose him, and I also hope to turn the Progressive Party against him." After these changes had been made, Mr. Quinn and Mr. Naidoo, who had done excellent work [for the campaign], were called in. They both approved the letter[2] and signed it. It was signed at 12-30 p.m. Mr. Cartwright left with the letter for Pretoria by the 2-30 train on the same day. At five in the afternoon he rang up to say that General Smuts had accepted [the terms of] the letter. He had asked for permission to alter one word, which was given. It seemed obvious then that Indians would be released soon.

OTHER CONDITIONS

There are some things that can be put down in writing, and for others one has to rely on oral understanding. That is what has happened in regard to this compromise. It was conveyed to the Government through Mr. Cartwright that efforts should be made to reinstate all the Indians who had been relieved of their posts in the Government and that the Indian community should be consulted about the form of the new registration certificate. Mr. Cartwright informed us over the telephone that General Smuts would not commit himself on the question

[1] Cf. *Satyagraha in South Africa*, Ch. XXI, where Gandhiji says that the compromise letter was either "drafted or approved of by General Smuts".

[2] *Vide* "Letter to Colonial Secretary", pp. 40-2.

of [reinstating] the Government servants but that he had agreed to do his best; as for the form of the register, he agreed to consult [the Indian community]. The proposed registration would not be under the law, and the Indian community would also be consulted as to how it should be legalized.

Visit to Pretoria

On Thursday, the 30th, the Governor of the prison received an order to arrange for Mr. Gandhi to be taken to Pretoria. He was accordingly escorted to Pretoria by Superintendent Vernon. The Government had made the necessary arrangement for his meal on the way. Everything was to be confidential. The train was therefore stopped before it actually reached Pretoria for Mr. Gandhi to alight lest he should be noticed by the ever-vigilant pickets at Pretoria. Mr. Gandhi went to the Colonial Office, accompanied by Mr. Lane and Superintendent Bates. It should be remembered that he was still a prisoner. The meeting with General Smuts took place exactly at 12 noon. General Smuts said: "Personally I have nothing against the Indian community. The demands you have made in your letter are rather excessive, but the Government proposes to accept them. What the form of the registration certificate should be and how the registration should be legalized will be considered later. Of course, this registration will be outside the new law. But I suggest that your people do not discuss this matter in public. If you do, you yourself will stand to lose. For my people will turn against me." When Mr. Gandhi referred to the question of finger-impressions, he said: "If finger-impressions are found necessary, you will have to give them. You have already said that your resistance is not directed against these. However, of this too, we shall talk later." He then added: "My second suggestion is that you should not harass the blacklegs." Mr. Gandhi replied: "It should not be necessary for you to make any recommendation on this point. We are convinced that they have made a mistake; however, they are our brethren, our own flesh and blood. It cannot be the wish of any decent Indian to harass them. [On the contrary] it will be the duty of every thoughtful Indian to restrain those who are over-enthusiastic in this regard." There were other things that were discussed besides, but these need not be reported here. A meeting of the Cabinet was then called, and the draft reply reproduced above in translation was given to Mr. Gandhi after it had been approved by the Cabinet, and Mr. Gandhi was then set free.

Implication

This compromise implies that the offer of voluntary registration made by the Indian community has been accepted in full. This

registration will not be under the law; it will be outside that law, which will therefore not apply to such registration. There is no need to withdraw the *Gazette* notice regarding the registration for, since the time-limit is over, the notice is already invalid.

What about Licences?

The notice about licences stands, and it has therefore been agreed that, except the blacklegs, all Indians may carry on trade without licences for the time being. They will get licences after the new registration is legalized, and meanwhile no one will be prosecuted for trading without a licence.

What about Finger-impressions?

"Ten impressions if you give, humbled will your manhood be." Will Mr. Gandhi, forgetting the songs that were then sung, now advise the giving of finger-impressions? Mr. Gandhi has answered this, and repeats the reply, "Yes, I do give such advice. Our campaign is not against finger-prints, but against the law. It is enough that we will not have to submit to the law. It will be disgraceful to give signatures under the law, but as long as we do not submit to it, we may give finger-prints, and more, without disgrace. The song above was about the law. Finger-impressions and suchlike were only symbols of that law. A prisoner is recognized by the dress he wears. In a ditty about that prisoner we may describe his shirt; but the same dress, donned by a gentleman because he chooses to or by an Englishman at a fancy-dress ball, does not make either of them a prisoner."

Mr. Gandhi and other Indians deserve credit for having given 18 digit-impressions while in gaol. They did no wrong in giving them. In fact, it would have been wrong of them to have refused to give them. The paper on which the impressions were given, if available, would be worth framing. For going to gaol amounted to opening the door for the eventual freedom of Indians. Whatever happened in gaol should therefore be welcomed, if it was otherwise reasonable.

A silken cord can be used to hang a man. When it is so used it will become an object of fear. But the same cord can be used for stringing a necklace, and then it becomes an ornament.

It is not yet finally settled that ten finger-prints will have to be given. The matter is still under discussion. If, however, we are required to give them in return for the repeal of the law, it would be childish to fight against the provision. It would be like running after a fire-fly in preference to the sun.

Moreover, [the system of] ten finger-prints has now been introduced for the whites also under the immigration law, and one cannot stress the point. It should normally have been needless to go into all this.

But then the matter is being discussed by several persons. Hence these detailed explanations.

EDUCATED PERSONS AND PERSONS OF STANDING

The discretion vested in officials to accept signatures by educated persons and persons of standing, such as businessmen, is an additional point about [this system of] voluntary registration. This was not added at Mr. Gandhi's instance, but was included in the draft put before him. As it was not considered desirable to forgo this [benefit], it was allowed to remain. It appears reasonable that educated persons should be allowed to sign their names [for purposes of identification]; because the decision as to who is educated cannot be made at the discretion of the official. But allowing a man of standing to sign, even if he is uneducated, is quite improper. The fact that the decision as to who is a man of standing will be made by the official carries with it a suggestion of slavery. I therefore advise people not to avail themselves of this concession. Whatever we get as a matter of right is welcome, but it is wrong to accept anything as a favour. I do not mean to say that there should be no distinction between good and bad, between the poor and the rich, but such distinctions should not be left to the discretion of an official.

THE END

On leaving the Colonial Office, Mr. Gandhi was allowed to go to Johannesburg. The watchful pickets, having come to know of this, had surrounded the Colonial Office. They were told by Superintendent Bates that Mr. Gandhi had left. But they refused to believe that Mr. Gandhi could have left without their knowledge, for they had been guarding all the exits. And thus it happened that Mr. Gandhi met the pickets as soon as he came out. He informed them that every Indian would be set free on Friday and asked them to convey the information to the others.

MIDNIGHT MEETING

Mr. Abdulla sent a telegram to Mr. Essop Mia asking him and Mr. Polak to receive Mr. Gandhi who was arriving at Park Station by the last train. Only Mr. Essop Mia and Mr. Aswat were there to receive him, most of the other Indians having gone to the Indian mosque. A meeting was held in the precincts at midnight attended by about a thousand people. Mr. Gandhi told them to go about their work quietly without noisy demonstrations or processions. The reporter of the *Leader*, who was present, promised not to publish a report of the meeting. Everyone agreed that they were only concerned with the result, and that there was no need for any celebrations. People felt extremely happy.

PRISON GATES OPEN

The prison gates opened at 12 noon on Friday. All over the Transvaal, Indians who had been arrested in connection with the law or for carrying on trade without licences have been released. Almost all that happened was reported in the newspapers. Everyone was surprised and the whites, too, were happy. Telegrams were sent to the Association congratulating the [released] prisoners. There must have been more than a hundred of them. There is no need to reproduce their names here. In any case, there is hardly any space for them. These telegrams included one each from Porbandar, Aden and England. Some of these were from whites, and a large number of them called in person at the Office [of the Association] to offer congratulations to the Indian community.

CONSENT OF PROGRESSIVE PARTY

Before accepting this compromise, Mr. Smuts had obtained the consent of the Progressive Party. He wrote the following letter[1] to Sir George Farrar[2] on the 27th:

DEAR SIR GEORGE FARRAR,

Will you kindly consult your friends to see whether there would be any objection to registration being re-opened for Asiatics and the chance being given them to register voluntarily, as they desire to do, and to dispense with finger-prints in the case of educated or well-known Indians? It is probable that Parliamentary ratification of such registration will have to take place, and in the meantime the penalties under the Act will not be enforced against those who register voluntarily. I understand that Asiatics may be willing to make such an offer to Government, and before closing with it we should like to have your concurrence in so doing.

Yours sincerely,
J. C. SMUTS

In reply, Sir George Farrar wrote on the 30th as follows:[3]

DEAR MR. SMUTS,

I am in receipt of your letter of January 27, and have communicated its contents to my friends.

From it we extract certain questions or suggestions, which I append together with our replies.

QUESTION NO. 1: Is there any objection to Registration being re-opened for

[1] & [3] Both the letter and the reply are reproduced from the English section of *Indian Opinion*, 8-2-1908.

[2] Sir George Herbert Farrar (1859-1915); Chairman, East Rand Proprietary Mines; Member of the Transvaal Legislative Council both before and after Responsible Government

Asiatics and the chance being given them to register voluntarily as they desire to do?

ANSWER: No, provided time is limited.

QUESTION NO. 2: Is there any objection to dispense with finger-prints in the case of educated or well-known Indians?

ANSWER: No, provided that other adequate evidence of identity be forthcoming.

QUESTION NO. 3: Is there any objection to the penalties not being enforced in the meantime against those who voluntarily register?

ANSWER: No.

Am I to understand from the concluding sentence of your letter that the Government do not intend to make the above concessions unless they are satisfied that the Asiatic community is prepared to accept the new position?

I desire to make our position in this matter perfectly clear.

We agreed to the law and adhere to it, and its objects must be secured. We would, however, point out that as the present regulations were not submitted to us before promulgation the Government must accept all responsibility in regard to them.

We feel it essential to success that the law be administered with the least possible friction, and as far as possible, with due consideration for the responsibilities and difficulties of the Imperial Government. Believe me,

Yours sincerely,
GEORGE FARRAR

Meaning of These Letters

These letters show that the Progressive Party is not opposed to us. If one argues that some of these letters do not say categorically that the new law would be repealed or that it would not apply to those who volunteer to take out registers, one would not be wholly wrong. But then the letters have been so drafted as not to shock the whites. However, the question has been raised as to what would happen if the Government were to play foul and retain the law in its present form. The question is easily answered. It is obvious that we are not taking out new registers under the law. We shall not therefore be bound by it in any way if the Government does not repeal it. And if it is not repealed, we shall fight afresh, and the strength that we shall have gained over these three months will stand us in good stead. Besides, the Government will be further disgraced, and in that measure our case will gain in strength. This is the marvellous beauty of voluntary registration and satyagraha; the initiative rests with us instead of with the Government.

Complete Understanding

After the foregoing account of the compromise had been written, there took place another meeting with General Smuts at which all points were satisfactorily settled.

1. If the Indian community takes out registers voluntarily, the new law will be repealed.

2. Voluntary registration will be legalized by a new Bill.

3. Voluntary registration will not apply to children under sixteen years of age.

4. There will be new forms of application for voluntary registration and for registration certificates. The register will mention the names of husband, wife and children and their respective ages.

In the application form for voluntary registration the name of the mother need not be mentioned but those of children and minors will be necessary. Children under sixteen years of age will accompany their parents [to the Registration Office] if they can, so that their ages and facial marks of identification can be noted down. Those whose children are outside the Transvaal need only furnish the name and age of each. If parents ask for separate registers also for their children under sixteen years of age, these will be granted. It should be remembered therefore that children who are in the Transvaal must accompany their parents, if they possibly can, when the latter go to apply for registers.

CONCERNING FINGER-PRINTS

(i) Those who know English well will not be required to give either finger-prints or thumb-impressions.

(ii) Men of standing and those who own property can be exempted from the giving of finger-prints or thumb-impressions.

(iii) Those who strongly object [on grounds of conscience] to giving ten finger-prints will be allowed to give thumb-impressions.

(iv) The rest will have to give the ten finger-impressions.

These concessions appear satisfactory. To ask for more will seem unworthy of the Indian community. Always the respect that a man enjoys depends on his self-restraint. Even if a thoughtless demand is conceded, it would be better not to accept the concession. I therefore advise every Indian not to avail himself of the exemption allowed on grounds of education or ownership of property. Within reasonable limits, whatever we do under [this scheme of] voluntary registration will be a sign of our goodness rather than of disgrace. For instance, we will be helping the Government to ensure identification of Indians; we will be giving all the requisite information and more. We can be sure that by doing so, we shall rise in the esteem of others. That being so, Mr. Essop Mia, Mr. Gandhi and other *satyagrahis* have decided to give digit-impressions. By doing so they will not forfeit their rights; a right can be kept in reserve. There are rights which, if not enjoyed, add grace like jewellery, but prove harmful when exercised. A perfect analogy occurs to me, which I mention here to explain the object of our struggle. The secret of the law, that is, its essence, can be described

as its soul. The regulations prescribing finger-prints, etc., can be compared to its body. The soul of the law being evil, we have been struggling for months to destroy it. We have succeeded in achieving that result. That the body survives does not concern us. If the same body be dwelt in by a good soul instead of an evil one, we shall not oppose it. Now that the body is to be inhabited by a good soul in the form of voluntary registration, we shall have no quarrel with the body. More, we shall even honour that body. The writer (of this article) means this comparison seriously. This analogy leads to other thoughts besides. By further elaborating it we can prove beyond doubt that ours was in fact a holy and religious movement, and a thoughtful person will easily see that we have achieved full success with unexpected speed.

Who Can Be Registered?

(i) Those who possess valid permits, that is, those whose permits bear their own thumb-impressions.

(ii) Those who were in the Transvaal on May 31, 1902, whether or not they hold permits.

(iii) Those who hold the Dutch Register obtained by payment of the £3-tax and who reside at present in the Transvaal.

(iv) All children who entered the country lawfully when they were under the age of sixteen.

Persons possessing proofs in respect of these will find no difficulty in obtaining voluntary registers.

Warning

I have just read two letters published in *The Star* which are very critical of the Government. One of them is by one Phillip Hammond. He says that the Government has yielded to the Indian community on every point, and therefore Mr. Smuts has no claim to be called a strong man. Mr. Hammond believes that Indians ought to have been kept in gaol long enough [to break down their resistance]. The other person, a white named Mr. Hyman Levy, claims that he cast his vote for candidates from Mr. Smuts' party. Angered by the settlement of the Indian question, he has criticized Mr. Smuts in very strong language. These letters suggest that, when Parliament meets, Mr. Smuts will find himself in an awkward position. It would be well for the Indian community to give careful thought to all this and go through the registration as quickly as possible in order to convince everyone that we are playing the game. What the condition of the community will be in future depends on what they do during the ensuing three months. I therefore hope that every Indian will think of the interests of the community as a whole and not only of his own.

When Will Office Open?

An office will be opened for voluntary registration on Monday next in Old Church in Von Brandis Square. Those who want to take out registers voluntarily should present themselves there with the utmost despatch. It is our duty to finish this operation with speed. It has been arranged that there would be no *Gazette* notice about this, since it was thought that that would be more in keeping with our dignity. It is likely that in all the towns except Pretoria registration will be carried out through magistrates. We have been given three months, but it will be better if we finish it within a month-and-a-half.

Shower of Telegrams

There has been a veritable shower of telegrams about the release of prisoners. Telegrams have been received from every part of South Africa. In all, 150 of them appear to have been received. On Friday and Saturday, it was observed that the messenger came with a telegram every five minutes. Telegrams also arrived from Aden and India: from Mr. Kekobad at Aden, from Mr. Hajee Ismail Zaveri at Porbandar, and from the Bombay Presidency Association under the signature of Sir Pherozeshah Mehta. Sir Pherozeshah has sent a long telegram, offering his warmest congratulations to the community and expressing admiration of its patience, courage and capacity for self-sacrifice.

Help from Whites

The help received from whites in the Transvaal campaign has been beyond all expectations. Valuable help was given by prominent whites, such as Mr. Cartwright, Mr. David Pollock, Mr. Phillips[1], Mr. Doke[2] and Mr. Stent, editor of *Pretoria News*. Some of them were prepared to go with us to the very end. There were hundreds of other whites who wanted to help, though we did not hear anything of them. The increased support for our cause in England shows that there were persons in that country also, who were prepared to fight for truth. The Indian community must bear this in mind and give up its anger against the whites. We are often thoughtless enough to say that the whites can have nothing good in them. But this is patent folly. Mankind is one, and even if a few whites make the mistake of considering themselves different from us, we must not follow them in that error.

[1] Rev. Charles Phillips; Congregational minister. *Vide Satyagraha in South Africa*, Ch. XXIII.

[2] Rev. Joseph J. Doke (1861-1913); minister of Johannesburg Baptist Church; was willing to resign if his pro-Indian sympathies were unacceptable to his congregation; edited *Indian Opinion* during Gandhiji's and Polak's absence in jail in 1911; "died in the pursuit of his holy calling in Rhodesia". *Vide Satyagraha in South Africa*, Ch. XXII.

FEDERATION HALL

A meeting of the [British Indian] Association was held on Wednesday and it was resolved to raise a fund for meeting the cost of the Federation Hall and for other expenditure. It was decided to print tickets of ten shillings each and to request everyone to contribute at least that much. Those who can afford it should of course give more. I shall write of this at greater length next week. I hope that everyone will help as best he can.

CARTOON ON VICTORY

In our issue of the 11th, we reproduced a cartoon from the *Sunday Times* representing the Transvaal Government as a steam-roller which was up against an elephant—the Indian community.[1] The paper has now published a sequel[2] showing the wrecked steam-roller, and General Smuts, lying on the ground amidst the ruins of his chair, miserable, looking unhappily at the elephant. He is wearing a convict's cap. The elephant seems pleased with himself as he surveys the wreckage and, with his trunk raised to General Smuts, inquires, "Everybody happy?" Mr. Gandhi, as *mahout*, has his digits extended fan-wise at the extremity of his nose, as much as to ask General Smuts, "So you have had a taste of digit-impressions?" Underneath the cartoon is the caption: "Picture of Colonial Secretary Receiving Mr. Gandhi's Digit-impressions".

[From Gujarati]
Indian Opinion, 8-2-1908

39. LETTER TO FRIENDS

JOHANNESBURG,
February 10, 1908

MY DEAR FRIENDS,

I am well in the brotherly and sisterly hands of Mr. and Mrs. Doke. I hope to take up my duty shortly.

Those who have committed the act did not know what they were doing. They thought that I was doing what was wrong. They have had their redress in the only manner they know. I, therefore, request that no steps be taken against them.

Seeing that the assault was committed by a Mahomedan or Mahomedans, the Hindus might probably feel hurt. If so, they would

[1] *Vide* illustration facing p. 32.
[2] *Vide* illustration facing p. 80.

put themselves in the wrong before the world and their Maker. Rather let the blood spilt today cement the two communities indissolubly—such is my heartfelt prayer. May God grant it.

Assault or no assault, my advice remains the same. The large majority of Asiatics ought to give finger-prints. Those who have real conscientious scruples will be exempted by the Government. To ask for more would be to show ourselves as children.

The spirit of passive resistance, rightly understood, should make the people fear none and nothing but God—no cowardly fear, therefore, should deter the vast majority of sober-minded Indians from doing their duty. The promise of repeal of the Act against voluntary registration having been given, it is the sacred duty of every good Indian to help the Government and the Colony to the uttermost.

I am,
Your faithful friend and servant,
M. K. GANDHI

Indian Opinion, 15-2-1908

40. *A DIALOGUE ON THE COMPROMISE*

We find many questions being asked about the compromise that has been arrived at. People are saying all kinds of things and some ignorant persons even refer to what is obviously a triumph as if it were a defeat. It is our considered opinion that the Transvaal Indians' victory goes so deep that every Indian should understand its real significance. We therefore answer most of the questions [sent to us] in the form of a dialogue. There are two kinds of readers: first, those who pretend to be asleep, that is to say, those who read not indeed to be enlightened but with malicious intent and in order to pick holes; the other kind are those who really fail to see the point and are therefore truly asleep. This dialogue is addressed only to the second kind. We can wake up those who are asleep. As for the others who feign sleep nothing can be done. The imaginary dialogue is between a reader and the editor. We advise every reader to read through it carefully several times over.

PREFACE

READER: Mr. Editor, I want to ask you some questions about your articles on the compromise. May I?

EDITOR: By all means, do. It is our duty to instruct and enlighten our readers to the best of our understanding. Our object is to serve the community, and this we can do only if we clear up readers' doubts to their satisfaction.

I should like to remind you of one thing before you ask any questions. An answer, they say, has no meaning except for one who is equipped to understand it. For instance, if anyone asks a question about multiplication and division while knowing nothing of addition and subtraction, he is not equipped to understand the answer. In the same way, you should have the following qualifications for asking questions: you should ask them in the presence of God, with sincere and patriotic intention. If you do, you will have no difficulty in following the answers. This condition applies to us no less. In fact, ours is the greater responsibility, and we are obliged to observe those conditions the more scrupulously. That is, whatever you ask us we will answer sincerely with a patriotic regard for the country's welfare and in the presence of God. Now you may ask your questions.

How Can It Be Called Victory?

READER: You say that the Transvaal Indians have won a complete victory and also that they have got more than they demanded. I do not follow this very well.

EDITOR: You will have to go through some of the back numbers of *Indian Opinion.* If you look into them carefully, you will find that the Indians demanded the annulment of the law and, in return, offered voluntarily to register themselves. The monster petition which carried five thousand[1] signatures put forward the same condition. There was no question at any time of setting our face against voluntary registration even if it were to take the form prescribed under the law. Now the Government has accepted the offer of voluntary registration in writing, saying that the law will be repealed if we register on our own initiative. We feel that this, by itself, would have been a complete victory for us. According to the terms of the compromise, however, due account will be taken of the status of educated persons and of men of standing who register on their own. Moreover, [the right to] voluntary registration will also be allowed to future Indian immigrants into the Transvaal. And finally, those who have been relieved of their posts in the Government will most probably be reinstated.

Voluntary versus Compulsory Registration

READER: I am still confused about the difference between voluntary and compulsory registration. And I know that there are also others who see no difference. Do please explain.

EDITOR: I am not surprised at your being unable to understand this. The law brought compulsion to bear on us to make us register;

[1] Actually the number was 4,522. *Vide* Vol. VII, p. 320.

that was humiliating. So much for compulsory registration. But if we take out the same kind of register of our own free will, that will save us the dishonour and even show that we are magnanimous. To take an example. If, by way of service to a friend, I wash his feet or carry his bed-pan, that will strengthen our friendship, give me an inner satisfaction and win for me the good opinion of others. Another, although he dislikes such work and thinks it derogatory, may yet do the same thing either under duress or for the sake of money. We shall think him base [for that reason] and regard him as a slave. We shall call him mean. He will himself feel ashamed of his job. If anyone finds him engaged in that work, he will try to hide himself. He is in reality a sinner and will never feel happy in himself. The difference between voluntary and compulsory registration is much the same.

READER: I see the point now, though only partly. For I still think that your analogy does not quite hold because it appears that the law will be enforced if we do not take out registers on our own. That is to say, we shall be taking out the registers voluntarily under an inducement. What you call voluntary therefore appears to me to be tainted both with compulsion and self-interest.

EDITOR: I think you are wrong. It is true that, if we do not take out registers voluntarily, we shall be subjected to the [process of the] law. But there is no compulsion here. If the Government were to say to us, 'Either you take out the registers, or we shall enforce the law', that would certainly be compulsion. But in this case it is we who offered to take out the registers and told the Government that they could enforce the law if we did not. We do not make this offer in fear of the sanction [of the law] but as an earnest of our sincerity and because we do not think there is any humiliation in voluntary registration. Moreover, being respectable people, we want, through voluntary registration, to dispel the suspicion that the Government harbours about us. There is thus no question here of any compulsion. If we had been moved at any time by fear, we could not have held out against the Government for 16 months[1] as we have done. Afraid of our power—the power of our truth—the Government has accepted [our offer of] voluntary registration.

Furthermore, your view that our offer is tainted with self-interest is rather ill-considered. In fact, every act is motivated by some kind of self-interest. Even in my example, there is an element of self-interest in the service which I render to a friend. My self-interest lies in the inner happiness which I seek. It is the will of God that I should work for such happiness. Knowing this as I do, whatever I do to obey that command is in fact inspired by self-interest, if of the best kind. If I did it so that

[1] September 1906 to January 1908

my friend might love me the more, that also would be self-interest, albeit of a lower kind. In voluntary registration, there is undoubtedly such an element of self-interest. If a man living as a servant of God devotes himself wholly to the service of men or of all living creatures, he is also impelled by self-interest in seeking to be in the presence of God, [that is] to work for *nirvana*. We revere such a man. If there were many such in this world, we should find in it holiness, prosperity, peace, happiness and unity instead of the wickedness, suffering, misery, starvation and disease which we see in it today.

TEN FINGER[-IMPRESSION]S

READER: I think I now understand the difference between voluntary and compulsory registration. But I see that in any case we are condemned to give the ten finger-impressions. It appears that the educated and the rich have had their interests protected at the expense of the poor. If you accept [the system of] finger-impressions now, why did you earlier write so much against them?

EDITOR: This is indeed a good question, although, if you have really grasped the distinction, the answer to your question is contained in [an earlier] answer. However, let us consider your question afresh.

First, it is not true to say that finger-impressions have been retained. Under the law the finger-impressions were to be given by all the members of the community and that meant we were being stigmatized because of the colour of our skin. Now the finger-impressions remain only as marks of identification.

Secondly, it is not true to say that the educated and the rich have got off easily. Educated persons and men of means and standing can be identified by the knowledge they possess and by their appearance. It is humiliating to them even to be asked to give finger-impressions. Looking at it thus, it does not appear wrong that illiterate persons who are not otherwise known should have to give their finger-impressions. On the contrary these would ensure the fullest protection for them. For instance, not everyone in Durban has to take out domicile certificates. Men of standing can leave Durban without taking out such certificates. But an illiterate person or one otherwise not known would come to grief by following their example. He would find it difficult to return.

Thirdly, it was essential in the past to write all that much against the system of finger-impressions. We were therefore very glad of it when, after nine months of struggle,[1] we had definite information in June about finger-impressions.[2] We read everything available

[1] September 1906 to June 1907

[2] *Vide* Vol. VII, p. 67.

on the subject and placed it before the community. We were glad that the Satanic, death-like law had acquired a body—the regulations prescribing finger-impressions, etc. We knew then that people would be able to see the law for what it was, and that is exactly what happened. It was only after the regulations were published that the struggle became really exciting. We told the people that in India finger-prints were taken only of criminals.

We published rousing songs about them. Verses, such as

Of fingers ten,
Those who give impressions
Forsaking their pledge to God,

still echo in our ears.

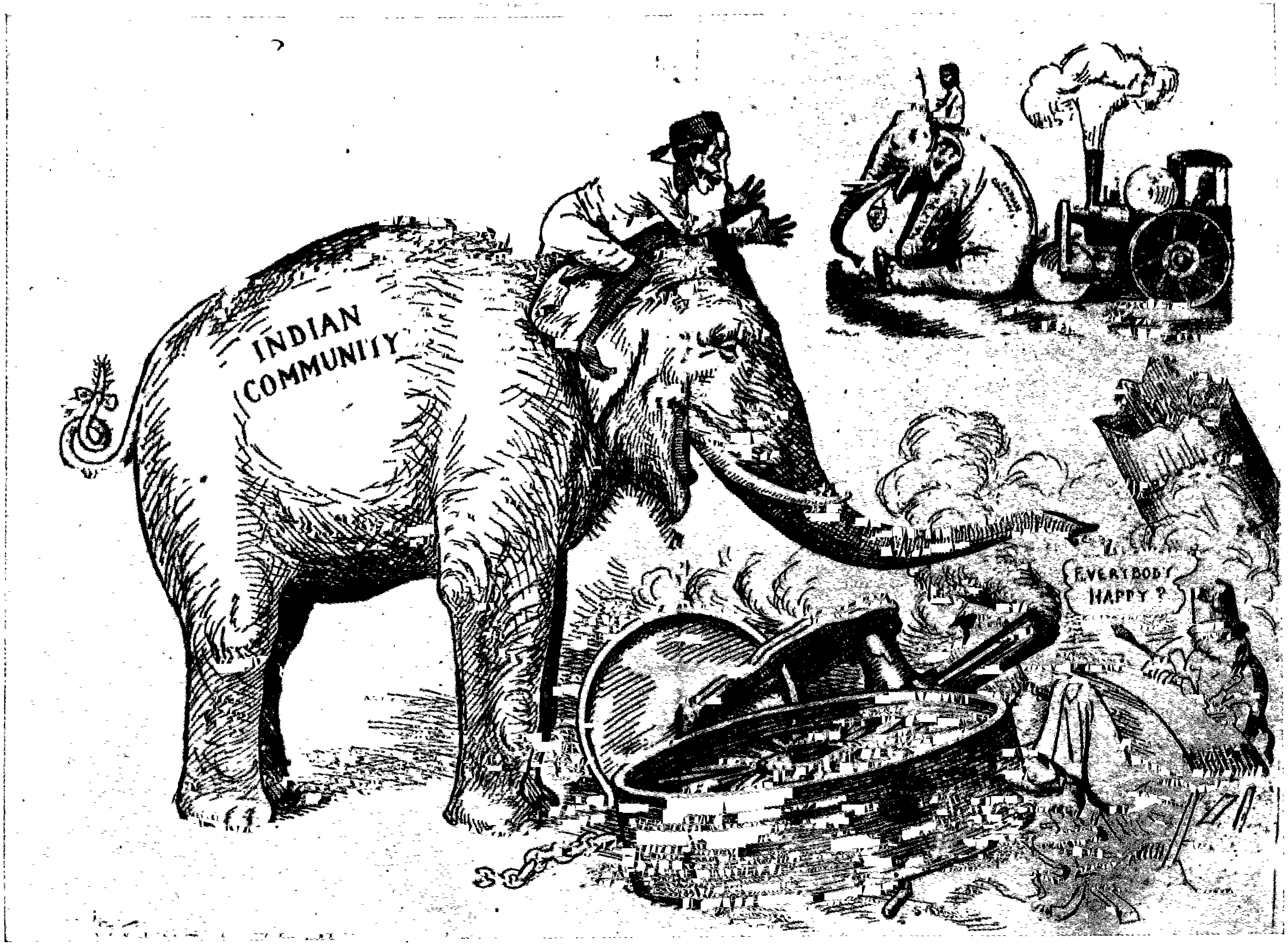
We do not withdraw anything we said then. We would still use these verses against those who agreed even to sign their names under the law, let alone give their finger-prints.

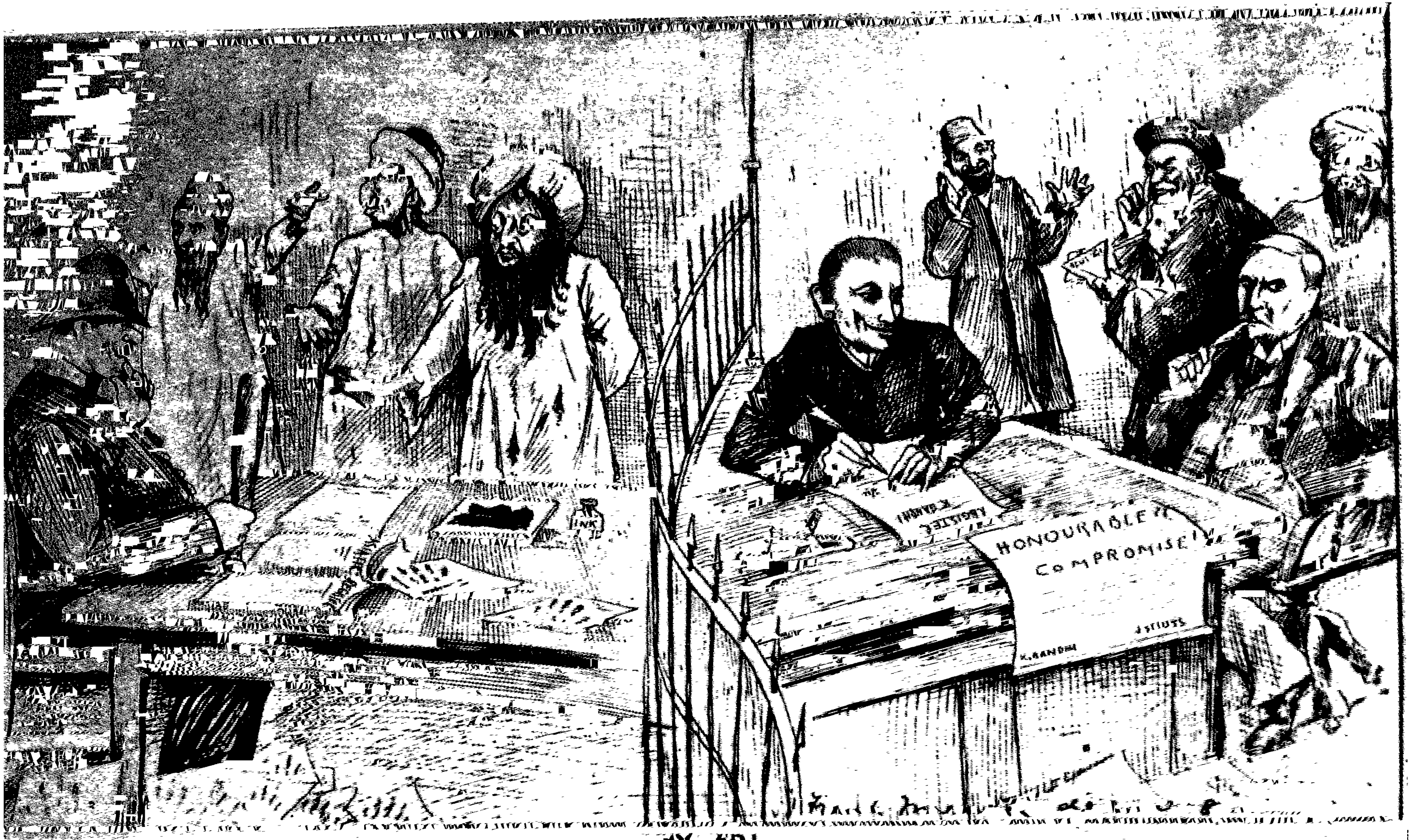
READER: Well, a thumb-impression is one thing, but you now advise that finger-impressions be given. What about that?

EDITOR: Because we were against finger-impressions only so long as they were a body inhabited by that Satanic law. Now that the Satanic soul has left the body, we have no particular quarrel with it, that is, the finger-impressions. We think it is honourable, not dishonourable, now to give our finger-impressions.

READER: I am afraid I am getting confused. It is too much to believe that finger-impressions, which were objectionable before, have suddenly become acceptable. I need more light.

EDITOR: It is only natural that you should feel confused. We have given a great deal of thought to this question, so that everything appears quite simple to us. You are confronted with these ideas for the first time, and they are bound to sound abstruse. The illustration that we gave earlier of friendship and slavery is relevant here also. Let us take another example. In this country we wear jackets, which is not thought undignified. But in India, it would be undignified if we wore short jackets leaving the lower part of the body uncovered by them. That means that there are things that may be proper at one place but improper at another. In India, it is under compulsion that criminals give their ten finger-impressions. Here, the same was true of all of us [law-abiding Asiatics] under the outrageous law. Now we are to give them on our own and not under compulsion. This point should be carefully noted, for we have been advising people to do this [as a voluntary act] all the time, and will continue to do so in future. It will reflect credit on our judgment if we appreciate this distinction. When it was proposed in the Transvaal that people should be obliged to produce their photographs, the community did right in opposing the proposal. Hindus and Muslims do get themselves photographed


INDIAN COMMUNITY
EVERYBODY HAPPY ?


INK
HONOURABLE
COMPROMISE

[but that is] to please themselves or for other reasons. You will therefore see that many things are undignified or dignified according to the object in view.

READER: I think I see your point. But I feel like asking whether all things are like this, good at one time and bad at another.

EDITOR: No, that certainly cannot be so. What is true of our campaign is not true of everything else. There are things which are always and everywhere bad or good. It is good always and everywhere to pray to God. Adultery is always and everywhere bad. Generally, the above rule can apply only to things which are not in themselves wicked or evil.

READER: I can see that from our own point of view there is nothing objectionable about the finger-impressions. But the whites jeer at us saying: 'Well, what about finger-impressions now?' 'You don't mind playing on the piano now, do you?'[1] 'You talked so big about religion. What has happened to all that now?' They ply us with mocking questions. [*The Transvaal*] *Critic* has even published a cartoon[2]. Educated persons and businessmen are shown as having been spared offence to their religious susceptibilities, but not so the rest. It represents Mr. Gandhi seated on a chair in great dignity and signing his name, while other Indians, miserable creatures, keep standing as they give their finger-impressions with large drops of black ink dripping from their fingers. How can one bear this? How are we to face this?

EDITOR: This question is a sign of false pride. We shall not lose our honour because of the whites' taunts. We placed our trust in God so that we need only think of what He will say to us. There are many whites who have not understood the significance of our campaign. Many of them still do not understand that the law which we opposed will be repealed if we honour our pledge. Their eyes will be opened when that time comes. Moreover, not every white says these things. Newspapers all over England pay us compliments and describe this as a victory for us. *Rand Daily Mail* of Johannesburg has in fact taken the Government to task for having given in on every point to the Indians. *The Sunday Times* has published a cartoon[3] in which a steam-roller driven by General Smuts has been reduced to a mere wreckage, and the Indian elephant is turning on him with a threatening look. Many thoughtful whites, and almost everyone outside the Transvaal, have hailed the victory of the Indians. Even if this had not been so, we should

[1] Those who did not join in the satyagraha campaign, that is, the "blacklegs", who went to the Registration Office for affixing their finger-impressions on their applications for fresh registration certificates under the new law, had earlier been satirized by the satyagrahis. The blacklegs had gone to the Registration Office, they mocked, "to play on the piano".

[2] *Vide* illustration opposite.

[3] *Vide* illustration facing p. 80.

remember that we have our interests to look after. Let others say what they like. Let us recall the saying that the person whose self-interest is at stake will find the truth hidden inside a small dish, but the neighbour will not notice it even if it were all over the wide sky.

Ten Fingers versus Two Thumbs

READER: It is now clear why there should be no objection to finger-impressions. But as I see it, it was still unnecessary to have agreed to finger-impressions at all. How did it come about that thumb-impressions were not thought sufficient?

EDITOR: That is worth considering. Generally we observe in the world that those who are really brave and noble, fight only for a chosen objective, give their lives for it. When they have achieved their purpose, they give in on other points. They thus rise in the estimation of others. The [stem of the] castor oil plant becomes hollow inside as it grows and will break as soon as it begins to bend a little. A banyan tree on the other hand becomes stronger as it grows, and throws out branches groundward, which root themselves and spread out in all directions. No one goes to a castor oil plant looking for shelter. But thousands of persons can and do find shelter under the banyan tree. The Indian community has acted in this manner in accepting the compromise. The target of the struggle was the law. Now that it has gone, it will be magnanimous of us to yield on the other points. The Government argues: 'You were not fighting against finger-impressions. Why then are you so obstinate?' We have really no answer to this question. A person like Mr. Essop Mia will rise in stature by giving his ten finger-impressions. Mr. Smuts said as much in a public speech. Besides, there is much we have to get from the Government yet. We should not conclude that we have got all we wanted because the law is gone. We need not fawn upon the Government, but it is our duty to keep it in good humour if we can do so without loss of self-esteem. The law will go of course, but what will take its place? What will be the nature of future laws? This depends on how the Indians conduct themselves during the three months to come. For this reason, it will be wise to give the ten finger-impressions. It will not be necessary for everyone to do so. Even those who do not will be able to take out registers if they are *bona-fide* residents. But in this context honour consists in giving them. We have accordingly advised people to do so. We even go to the extent of saying that Indians who obstinately refuse to give the ten finger-impressions will, in the eyes of others, lack common sense. In fact, under the immigration law, women will have to give finger-impressions. That being so, we shall only fall in the estimation of others by going on arguing about thumb-impressions and finger-prints. Already we are being thought childish.

READER: That sounds all right. But Indians outside the Transvaal, who have done much to help us, complain that we have secured our own interests without realizing that finger-impressions might be introduced in other Colonies where no one had so far thought of them.[1] When a man like Mr. Gandhi, they argue, gives his finger-impressions readily, how can anyone else expect his protest to be taken seriously? The Transvaal Indians, they assert, have brought total ruin on the others. How shall we answer these charges?

EDITOR: It is altogether wrong of people outside the Transvaal to complain in this manner. They ought to have understood the nature of the campaign. Look at it like this: if the Transvaal Indians give finger-impressions of their own accord, why should they become compulsory elsewhere? Are people outside the Transvaal women wearing bangles that they could be compelled to give finger-impressions? On the contrary, by fighting against the law, the Transvaal has helped the cause of the weak not only in South Africa but all over the world, and thus given them strength.

The [Natal] Mercury says:[2] All that has been decided is the principle of respecting the rights and feelings of an unenfranchised section of the population, and paying regard to Imperial responsibilities.

This is [all but] literally true. The Indian people who hitherto had no franchise have now, so to speak, been enfranchised. To argue that, following this, finger-prints may be introduced in other Colonies is as ridiculous as to complain about a side-dish in the menu and ignore the excellence of the main course.

Let us also add that finger-impressions are likely to be introduced everywhere sooner or later. For, from a scientific point of view, they are the most effective means of identification. They cannot offend anyone's religious susceptibilities. This method of identification was introduced in Natal in 1903 for indentured labourers. It applies to a large number of whites in the Transvaal. There is therefore no harm in giving finger-impressions of our own free choice as we have agreed to do; on the contrary there are a number of advantages to be gained by doing so.

It must be borne in mind that at other places, such as the Cape, Delagoa Bay, etc., photographs are required, compared to which finger-impressions are a thousand times better.[3] Please also remember that, in the Transvaal, the finger-prints will figure in the application form and not in the certificate.

[1] In fact, this happened in Rhodesia.

[2] This passage is taken from the English version of *The Natal Mercury*'s comment.

[3] *Vide* Vol. VI, pp. 346 & 349.

WHY CLASS DISTINCTIONS?

READER: I shall not say anything more on the question of finger-prints; but I must say that I do not understand why *Indian Opinion*, which was till now opposed to any class distinctions, writes in favour of those that have now been made. I have not forgotten the harsh things you said when the Pretoria Memons requested in their petition that men of standing be exempted from giving finger-impressions. Now you argue that class distinctions may be accepted. Will you explain this inconsistency?

EDITOR: That is a good question. Strictly speaking the question of inconsistency would have arisen if this demand had been made by Mr. Gandhi. What happened was that the suggestion about this matter came as it were from the Government. It would have been improper to reject what in effect the Government offered us as a right. There is a great deal of difference between our asking for special privileges for men of standing and the Government offering them on its own.

Moreover, the distinction that has been made as between classes will also favour educated persons. We have never opposed any distinction being made in their favour. For education—true education—will always enjoy respect. If even educated persons are required to give finger-impressions for purposes of identification, then they cease to be a means of identification and take on a racial aspect. Distinctions based on education are nothing unusual.

There are natural distinctions of class which no one can oppose. Our fight is against artificial class distinctions. If a distinction is made on grounds which leave the official the sole judge, we feel such a distinction spells slavery for us. It is true that the class distinction that has been accepted as part of the compromise will leave something to the discretion of the officer. But the distinction will remain valid only for a temporary period, and we therefore see no objection to it, provided, of course, that the leaders do not avail themselves of the concession. As long as resort is not had to the concession, it will retain the dignity of an ornament. We think it will become useless, positively harmful, if a large number of Indians avail themselves of it.

The distinction that the Memons had asked for was of a different nature. Having agreed to submit to the law, they asked for a trivial distinction to be made in respect of finger-impressions. Besides, it is not as if this demand was made at the instance of the Government. That is why they went down on their knees, and were repulsed. It will thus be clear that there is a great difference between their request and the distinction that is to be made now. If the leaders behave sensibly, this distinction will redound to the advantage of the poor. The im-

portant thing is that well-placed persons should regard themselves as trustees of the poor.

Why Were People not Consulted?

READER: I think all my doubts have been answered, though, of course, I shall have to think again. But one thing continues to trouble me. Why did Mr. Gandhi and Mr. Naidoo sign on their own authority? They are said to be prudent men, but was it wise on their part to have committed the community without consulting it? If they had left things to the community, I might not have even thought of the points I have raised. How can we be sure that they have not made a mistake?

EDITOR: That this doubt should occur to you is itself an indication that you have not fully understood our answers. We told you at the outset that the community was already agreed on voluntary registration. As the Government agreed to the same thing, there was nothing left to consult the community about.

READER: But surely the community had not agreed to the giving of finger-impressions?

EDITOR: Are you raising the question of finger-impressions all over again? It is these which appear to worry you. Why do you forget that the struggle was not against finger-impressions? Why should there be any need to consult [the community] on a point that was not at issue? Moreover, how can you argue that finger-impressions have now been accepted? They [Mr. Gandhi and Mr. Naidoo] have not accepted finger-impressions in the manner envisaged by the law. Instead they have left it to the community to give the finger-impressions of its own accord. Those who insist on giving only two thumb-impressions can still do so and have the register. Mr. Gandhi and Mr. Naidoo merely suggest to the community that it will be a magnanimous gesture if Indians give their finger-impressions on their own and add that they themselves will do so.

You will agree moreover that those who are accepted as leaders must have a certain freedom [of action] in crises. We do not admit having availed ourselves of any such freedom in arriving at this compromise but on an occasion like this we would be justified in saying a few words on people's duty to the leaders. Great care should be exercised in choosing leaders. But once they are chosen, it may prove harmful if on occasion they are not allowed any freedom of action. If they are required to consult the others every now and again, that will suggest lack of confidence in them. In the absence of such confidence work will suffer. Confidence in the leaders is a sign of unity, of generosity and of an unflagging spirit among the people. No people can progress if its leaders are not honest and if they are not trusted. Leaders do

sometimes make honest mistakes. They are not to be blamed on that account. There is only one test—that of sincerity. And the best way is that those who are sincere should be trusted.

CONCLUSION

READER: I cannot think of any more questions now. What do you think will be the outcome of this campaign?

EDITOR: We hope and pray to God that you and the others who may read the replies will profit by them. The final result depends on us. If we always show the courage that we have done this time, there will be no obnoxious laws directed against us in future. Everyone knows that the Indian community has risen considerably in public esteem. That is the important thing. Our object in this campaign was to win increased respect for ourselves. If we do no more than gather in our gains, that should be good enough. Satyagraha should become a common practice; the Indian community can then be assured of success in all fields.

Nothing can detract from the perfect success of our satyagraha campaign [regardless even of] whether or not the Indian community conducts itself well in the coming three months, whether or not it keeps its word about voluntary registration. Even supposing that giving in on the question of finger-impressions was a mistake, satyagraha remains unsullied. Its success is complete. You may, if you wish, blame those who gave in on the question of finger-impressions. But truth has emerged victorious. Let there be no doubt of that.

[From Gujarati]

Indian Opinion, 15-2-1908

41. NATAL LICENCES

No trading licences have been issued in Estcourt. Mr. Kazi's store in Stanger has come in for trouble. There will be similar trouble at other places as well. How will the Indian store-keepers be able to carry on business in Natal under these conditions?

There are two ways. One is to take the matter to the court, as the late Mr. Labistour advised. That will mean filing a suit against one of the municipalities and going to a great deal of expense and trouble. Besides, there is no assurance of success.

The other way is at once easy and difficult, depending on how one looks at it. This is the way of satyagraha. [It is easy because] in this case satyagraha will not involve going to gaol. Those who carry on trade without licences can only be fined, and in default [the penalty] will be, not imprisonment, but the auctioning of goods. It also follows

that anyone whose goods have been once auctioned will not be able to carry on business for the rest of the year. There can be repeated auctioning of goods. That will mean ruin. But every great task is bound to involve a heavy sacrifice. As a devotee has said, "to live a life of constant devotion to God one must pledge one's life; so difficult is the journey ahead of us". Satyagraha does call for devotion—devotion to one's country. It does require us to pledge our life [to the cause]. It can be resorted to only for the common good, not for mere self-advancement.

Traders in Natal may find such a struggle a little more difficult than those in the Transvaal had found it. It should be, truly speaking, easy. It is difficult, because people can take cover behind the argument that they are prepared for imprisonment but not for the loss of goods. Moreover, the entire community will not be able to join in the struggle, so that it will be left to a few individuals only to fight it out. It should [on the contrary], be easy for the reason that, in our experience, Indians, and other communities as well, generally fight shy of going to gaol but do not much mind auctioning of their goods. Besides, no great risk is involved in allowing the goods to be auctioned. A clever man can hold out against [the Government] through skilful tactics. The main thing is for everyone to carry on trade without a licence, if a single person is refused a licence without valid reasons. If the Government cannot throw everyone into prison, it cannot possibly auction everyone's goods either. Unity is absolutely essential. We do not mean to suggest that all businessmen—all over Natal, that is—should trade without licences; only the businessmen of the town or division concerned need do so.

Licences may well be refused to some individuals after they have been issued to all the others. In that case, those traders who do not get licences can continue their business and let the Government do its worst. This will require intelligence and presence of mind. Another way out is to rent premises for the store furnished with the landlord's benches, etc. The store should be stocked light so that the saleable goods may be disposed of from day to day or transferred to another person at short notice. If we follow these tactics the Government's policy of imposing a fine each time will be defeated. When a fine is imposed, a meeting should be called to make it known to the Government that the entire community approves of the person concerned carrying on unlicensed trade. This will tire out the Government. But this [course] is only for the brave and patriotic. Those who live merely for themselves are no better than stone. They cannot muster the kind of courage which comes only when one fights for the rights of all. It is simple for hawkers to hold out against the Government, which will then proceed to amend the law of its own accord. Let there be no

mistake about this: the Transvaal campaign has won more respect for Indians, and the Government is bound to feel alarmed.

This step should only be taken publicly; that is why meetings should be held for the purpose; resolutions should be forwarded to the Government, and then alone should the actual campaign be begun. All the steps taken in the Transvaal should be followed, beginning with the first.

There are precedents for this kind of action. Englishmen let their goods be auctioned rather than pay the education cess. Now no one troubles them. The late Mr. Bradlaugh[1] had his own way of making himself feared by the entire British nation. How he did that we shall explain another time.

Let the gentlemen in Natal, if they wish to start a campaign, call a big meeting for the purpose; let them, standing united, embark on this course cool-headedly with God as witness. They should note that, once the first step is taken, there must be no turning back. It may be wise in the first instance not to make a beginning. Wisdom consists in not retreating once a beginning has been made.

[From Gujarati]
Indian Opinion, 15-2-1908

42. FUND FOR RITCH[2]

We wrote about Mr. Ritch last week. Everyone, we think, feels that something should be done for Mr. Ritch as a mark of our appreciation of his work. He has worked for all South Africa and is still doing so. We therefore believe that every Indian should join in the effort. No sum that we collect can be too large. It would not be extravagant even if we engaged Mr. Ritch at £1,000 per annum. We have been paying him just enough for his bare needs. Ever since we heard of Mrs. Ritch's illness, he has been allowed to draw enough money to meet his needs at home. Formerly, he was paid only £15 per month. That is, we have not paid him more than £25 a month on an average. We do not think it would be too much if we presented him a purse of, say, £300 at the least. It would certainly not be wrong to send

[1] Charles Bradlaugh (1833-91); English free-thinker and politician; for many years associate of Annie Besant and editor of *National Reformer*. In 1880, he was elected M.P. from Northampton but could enter Parliament only in 1886 after six years of wrangling over oath-taking which he wanted to do by affirming under the Parliamentary Oaths Act and not on the Bible. An atheist and "iconoclast", he was a natural leader in causes which had society against them.

[2] *Vide* "Ritch's Great Achievement", p. 63.

more. By honouring Mr. Ritch we honour ourselves. Doing this may also win others over to our side. Not, certainly, that people will be attracted by money, but because they will realize that we have [a tradition of] nobility. If someone offers to help in hope of profit, he should be kept at arm's length. As for Mr. Ritch, he does not even dream of monetary gain. He will cease to be useful the moment he begins to think of such gain. We are starting a collection for this purpose, and hope that a large number of Indians will contribute to it. That will be a handsome [gesture] and no one individual will feel the burden. If our readers, several hundreds of them, make up their minds, the collections can be concluded soon. All contributions will be acknowledged in *Indian Opinion.* Let everyone remember that contributions for Dr. Booth[1] came mostly from the poor. A sum of £100 was collected then and Dr. Booth was presented with a purse and an address. We can say, without meaning to slight Dr. Booth, that we have rarely come across a white the equal of Mr. Ritch.

[From Gujarati]
Indian Opinion, 15-2-1908

43. JOHANNESBURG LETTER

British Indian Association

The British Indian Association of the Transvaal has started collections for a large fund. It has been decided not to accept less than 10s from anyone and that everyone should pay the most he can. The main object of the collection is to build a large hall in Johannesburg. There is no building anywhere in South Africa that would do credit to the Indian community. This is a drawback. Surely it would be a good idea to put up such a building in Johannesburg. Every prominent community has a hall similar to the one proposed. That we do not have one is a matter for shame. Truly speaking, there should be a hall of this kind in every city, such as Cape Town, Durban, Maritzburg, etc. It is a sign of our backwardness that there is not one. People in the Transvaal have therefore decided to build such a hall in Johannesburg.

[1] Rev. Canon Booth; Dean of St. John's in Durban; managed the Indian section of the Church of England Mission for the education of children of indentured Indians; also Medical Officer to Natal Indian Ambulance Corps; worked in honorary capacity in the Indian Hospital in Durban. The fund was really not for Dr. Booth but for this hospital. *Vide* Vol. III, p. 145; also *Autobiography*, Part III, Ch. X, & Part IV, Ch. XXIV.

It is also intended to present handsome addresses to Lord Ampthill[1] and Sir Muncherjee Bhownaggree[2] for the invaluable work they have done. There is also a proposal to express, in a concrete form, our appreciation of the services rendered by Mr. Polak, Miss Schlesin who has taxed herself to her utmost by labouring day and night, and other whites who have put themselves out equally. The expenditure on all these things is to be met from the fund that is now being raised.

The ten-shilling receipts bear Mr. Essop Mia's signature reproduced [in facsimile]. On the left there is space for the signature of the person who receives the contribution. Receipt books have been despatched to a number of towns. Everyone must pass on the money, as soon as it is collected, to the Secretary of the Association. On the counterfoil the name of the donor should be entered in full, and no contributor should pay except against a receipt. The collections should be concluded and the amounts forwarded as soon as possible. I advise everyone to preserve the receipt as a memento of the campaign. Also, it can be shown to others who may come asking for contributions. If a large number of persons take up the work of collection, it can be finished before the voluntary registration is over.

[From Gujarati]
Indian Opinion, 15-2-1908

44. EXTRACT FROM LETTER TO S.A.B.I. COMMITTEE[3]

February 15, 1908

. . .The repeal of the Act was the fixed goal undertaken in the name of God; so far as I am aware, in making for that goal we have never swerved from that path, and have we not reached the goal in the least possible time and with the fewest scratches?. . .

India Office, Judicial and Public Records: 3722/08

[1] Arthur Oliver Villiers Russell, Second Baron of Ampthill (1869-1935); a founder of the National Party, 1918; Governor of Madras, 1899-1906; Viceroy and Governor-General of India (*pro tem.*), 1904; wrote foreword to Doke's biography of Gandhiji.

[2] Sir Muncherjee Merwanjee Bhownaggree (1851-1933); Parsi barrister settled in England. As a Member of Parliament for over ten years, elected on the Unionist Party ticket, and as a member of the British Committee of the Indian National Congress in London, he helped considerably in educating public opinion in England in regard to the grievances of Indians in South Africa.

[3] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

45. *SECRET OF SATYAGRAHA*

There appears to have been a good deal of misunderstanding following the Transvaal Indians' failure to comprehend the secret of satyagraha. It is therefore necessary to give a little more thought to satyagraha in the context of our victory against the obnoxious law. Those who know the real meaning of satyagraha should not have the slightest doubt as to what the victory means.

A satyagrahi enjoys a degree of freedom not possible for others, for he becomes a truly fearless person. Once his mind is rid of fear, he will never agree to be another's slave. Having achieved this state of mind, he will never submit to any arbitrary action.

Such satyagraha can be, ought to be, practised not only against a Government but against society as well [if need be]. It can often happen that a society is as wrong as a government. It becomes one's duty then to use satyagraha against society. The late Mr. Thoreau, whose book[1] we have already summarized, thought that his countrymen did wrong in carrying on slave-trade. He therefore ranged himself against his people. The great Luther defied his people single-handed and it is thanks to him that Germany enjoys freedom today. And there was Galileo who opposed society. The people were resolved to kill him. Undaunted, he told them that they could kill him if they wanted to, but that it was nevertheless true that the earth revolved [round the sun]. Today, we all know that the earth is round and that it rotates round its axis once every 24 hours. Columbus acted like a true satyagrahi when facing his sailors. Exhausted [by the long voyage], they declared, "We will never get to America. Let us turn back, else we will kill you." Unperturbed, Columbus answered, "I am not afraid of being killed, but I think we ought to go on for a few days more." They did discover America, and Columbus won everlasting fame.

Such a wonderful remedy is this satyagraha. When we ask in fear what will happen if the Government does not repeal the Act, we only betray the deficiency of our satyagraha or talk as if we had been unmanned, having lost the weapon of satyagraha. But our satyagraha prompts us to become free and feel independent. We have therefore nothing to fear. 'All this is idle talk. Whatever you do, you cannot start the campaign again. Once has been quite enough.' There are persons who talk thus. If it is true that we cannot resume the struggle, it will have been in vain that we started it at all.

[1] The reference is to Thoreau's essay on "The Duty of Civil Disobedience". *Vide* "Duty of Disobeying Laws", Vol. VII, pp. 217-8 & 228-30.

Let us justify this view of ours. It is a matter of common observation that what we have won can be retained only by the same means through which it was got. What is won by force can be retained by force alone. A tiger seizes its prey by force, and retains it through force. Those who are forcibly locked up in gaol are kept there by force. The territories acquired by emperors by use of force are retained by force. In the same manner, what is gained by love can be retained only by love. The mother feels great love for the child in her womb and rears it with the same love afterwards. Its punishment while yet a child should not be interpreted as use of force. There are also instances where a mother has lost a child altogether because she stopped loving it for some reason. Similarly what we have gained by satyagraha can be retained only through satyagraha. When satyagraha is given up, we may be sure that the gains will also be lost. Moreover, it is unlikely that one will succeed in retaining through physical force what one gained by satyagraha. Suppose Indians wish to retain by force the fruits of victory won through satyagraha. Even a child can see that, if Indians resort to force, they can be crushed within the minute. Likewise, if we abandon satyagraha and go on as we did before, what we have gained may be lost.

These examples serve to show that satyagraha is really an attitude of mind. He who has attained to the satyagrahic state of mind will remain ever victorious, at all times and places and under all conditions irrespective of whether it is a government or a people that he opposes, whether they be strangers, friends or relatives.

It is only because we do not appreciate the marvel of satyagraha that we live in India as a poor and cowardly race, not only in our relations with the Government but in our personal relations as well. Certain customs which are palpably evil are kept alive in our country mainly because we lack in [the spirit of] satyagraha. Though well aware that certain customs are bad, we do very little to end them either because of fear, laziness or undue regard for others.

Before concluding, let me refer to the latest instance. When the whites held an anti-Indian meeting in Pretoria Town Hall, there were only four whites to speak in our favour. They were thus four against a thousand. But the four were brave enough to express their views in the face of a chorus of abuse from the crowd. In the event, their satyagraha considerably detracted from the importance of the meeting and turned it into a menagerie.

We urge every Indian to follow these ideas carefully. Those who do will learn the true nature of our success and find themselves equal to the tasks which the Indian community has to face.

[From Gujarati]

Indian Opinion, 22-2-1908

46. *MY REWARD*[1]

Beginning

For my part, I am not in the least surprised that I was assaulted. I had declared even on the 9th that, in view of the promise about the repeal of the law, I did not see any dishonour in giving finger-impressions outside the law. On the contrary, I thought it was honourable to give them. When, in the meeting in front of the Mosque, there was strong opposition to the idea of Indians voluntarily giving their finger-impressions, I asked myself what I would do if I had the real spirit of satyagraha in me, and then I declared my resolution that, if I was alive on Monday, I would positively give my finger-impressions. I still do not regret having done so; rather, I think that I did my duty to my God and my community. When at a quarter to ten on Monday morning I set out towards the Registration Office in the company of Mr. Essop Mia, Mr. Naidoo and a few other Indians, I did feel that there might be an attack on me. In fact, I had spotted two of the assailants near the office. They walked alongside of us. I then became surer. But I decided that I should not, as I had declared earlier, mind being assaulted by my own brethren.

Some way ahead, one of the men asked, "Where are you all going?" Mr. Essop Mia was about to answer, when I interrupted saying, "I am going [to the Registration Office] to give my finger-impressions. The others, too, will do the same. If you want to give your thumb-impressions [only], you can do that." My only recollection of what followed is that I received very severe blows.

I took severe blows on my left ribs. Even now I find breathing difficult. My upper lip has a cut on one side. I have a bruise above the left eye and a wound on the forehead. In addition, there are minor injuries on my right hand and left knee. I do not remember the manner of the assault, but people say that I fell down unconscious with the first blow which was delivered with a stick. Then my assailants struck me with an iron pipe and a stick, and they also kicked me. Thinking me dead, they stopped. I only remember having been beaten up. I have an impression that, as the blows started, I uttered the words '*He Rama!*'. Mr. Thambi Naidoo and Mr. Essop Mia intervened. Mr. Naidoo was hit as a result and injured on the ear. Mr. Essop Mia received a slight injury on a finger. As I came to, I got up with a

[1] This was published as "From Mr. Gandhi".

smile. In my mind there was not the slightest anger or hatred for the assailants.

On reflection, I feel that we fear death needlessly. I believe that I have not known such fear for a long time now. And I have grown more fearless after this incident. If I had not regained consciousness, I would not have felt the suffering that I went through later. We can thus see that there is suffering only as long as the soul is in intimate union with the body. I became aware of the suffering only when the soul's union with the body was restored.

No One to Blame

I do not blame anyone for the assault.[1] Those who attacked me would have at one time greeted me and welcomed me enthusiastically. When they assaulted me, it was in the belief that I had done them and the community harm. Some people thought I had sold the community by having agreed to [the system of] finger-impressions [in our compromise] with the Government. If that is what they thought, is it surprising that they attacked me? If they had had some education, they would, instead of assaulting me, have adopted other means of venting their dislike of me. In either case, they would have had the same reason. Experience tells me that some people know of only one way of expressing disapproval. For them physical strength is the one supreme thing. How then could I be angry? What point would there be in having them prosecuted? My real duty consists in disproving their charge against me. That will take time. Meanwhile, as is the way of the world, people will persist in the methods of violence. In this situation, the duty of the wise man is only to bear the suffering in patience. I think of myself as a wise person. I have therefore no choice but to endure the suffering inflicted on me. My religion teaches me to have no fear save of God. If I had any such fear, I should be violating a divine command. Why then should I be afraid of suffering? I therefore ask of God that I may remain fearless till the last. I ask my well-wishers to say the same prayer.

Nursing

When I came to somewhat, I was taken to Mr. Gibson's office, opposite which I had been attacked. I was attended to by Mr. Lew[2] and Mr. Gibson Junior. A doctor washed the wounds. They were thinking of removing me to hospital. Mr. Doke, a clergyman, who did a great deal of work for us during the later stages [of our campaign], hurried

[1] Gandhiji in fact wired to the Attorney-General to say that his assailants were not guilty; *vide Satyagraha in South Africa*, Ch. XXII. The telegram itself, however, is not available.

[2] Yuk Lin Lew; Chinese Consul-General in the Transvaal; *vide* also Vol. VI, p. 14.

to the spot on hearing news of the assault; he suggested that I should be taken to his place. After some deliberation, I agreed to his suggestion. Mr. Doke is a Baptist and nearly forty-six years old. He has travelled widely in New Zealand, India, Wellestown[1] and other countries. He came here from Grahamstown three months ago. Judging from the way he looked after me and from his nature and that of his family, he must be a godly person indeed. He is not exactly a friend. I had met him barely three or four times before then, and that in connection with the campaign in order to explain the position to him. It was thus a stranger whom he took into his house. All the members of his family remained in constant attendance on me. His son's room was put at my disposal, and the son himself slept on the floor in the library. While I was ill, Mr. Doke would not allow the slightest noise anywhere in the house. Even the children moved about very quietly. Mr. Doke took the sanitary part of the duties on himself, while I looked helplessly on. The work of bandaging me, of washing the bandages, etc., was taken on by Mrs. Doke. They would not allow me to do even what I could have well done myself. Both husband and wife sat up [at my bedside] through the first night. They came into the room every now and again to see if I wanted anything. In the mornings Mr. Doke was busy receiving people who came to inquire after me. Every day nearly 50 Indians called. So long as he was in the house, he would take every Indian, whether he appeared clean or otherwise, into his drawing-room, offer him a seat and then bring him to me. He would also gently remind everyone that I should not be disturbed much. This is how he looked after me. He did more than attend on me and attend to all those who came to see me. He also did whatever he could about the difficulties of the community. Besides, he would call on Mr. Cartwright, Mr. Phillips and others, carry messages from me and do of his own accord whatever appeared necessary.

It is small wonder that a nation which produces such men should march forward. And how can one say that a religion to which such gentle, kind-hearted and really noble persons belong is false in any way? His only object in doing all this was to please God. He also, as was his wont, prayed nightly sitting by my bed. In his daily life, too, he always said grace before and after a meal. His children were also made to take turns at reading from the Bible. I at any rate could see no selfish motive in him; in his conduct and in the education of the children, all that one could see was truth. I saw no touch of insincerity in anything that he did, neither did I feel that anything was done to please others. It is not often we come across such single-mindedness and nobility in Hindu or Muslim priests and

[1] This appears to be an error for Palestine.

grihasthas[1]. These are not common even in Englishmen. Some nations have more of these [qualities], others have less. Without entering into a discussion of that point, I would only pray that there might be hundreds of Indian families like Mr. Doke's.

Treatment

Both the blows and the injuries I received were severe, but in the opinion of the doctor not many patients were known to recover as speedily as I did. Though I was under the care of a physician, the treatment consisted entirely of home-cure methods. For the first two days I had nothing to eat or drink. That had the effect of keeping the fever down. On the third day I had no temperature. I started on a diet of a quarter pound of milk, and gradually added to it grapes, pears and other fruit. Then I began taking bread dunked in milk once a day. I am still on that diet. On account of an injury to three of the upper teeth, I shall not be able to eat anything hard for several days to come. Apart from the wounds, my mouth was swollen and so was my forehead. A poultice of clean earth was put on these, and the swelling has now subsided. I had been badly hit in the ribs, and here again the recovery is nearly complete thanks to a large poultice of earth. The doctor was afraid that the application of earthen poultice on wounds might cause sepsis. But I had them put on on my own responsibility. The doctor is now, however, convinced that the earthen poultice has done much good. Normally wounds which have to be stitched up rarely escape becoming septic. I am emphatically of the view that with an earthen poultice wounds heal without becoming septic. And that is what has happened. I have used many remedies involving the use of earth. I think, if earth is judiciously used, it can be a useful remedy in many ailments. I hope later to be able to tell readers of *Indian Opinion* [more about] my experiences.

Lesson

My object in writing this account is not merely to tell a story or to fill the pages of this journal, but only that my experience may be of use to others. The lesson that every servant of India is to draw from the assault is this: if anyone wants to serve the community, and always do the right by it, he must be prepared for physical assaults. If we do not take these things to heart, we shall have more peace of mind and happiness and, to that extent, more strength to serve the community. Such assaults should really be looked upon as rewards. Mr. Doke's conduct shows us all the path of goodness and the home

[1] Householders

remedies described here are worth noting. Mr. Doke received nearly 40 telegrams of thanks from different parts [of the Colony] and some Indians sent him fruits and other gifts as a mark of their gratitude.

[From Gujarati]
Indian Opinion, 22-2-1908

47. JOHANNESBURG LETTER

Drew's Letter

Mr. Drew[1], who is the editor of *The Friend* of Bloemfontein and a Member of Parliament in the Orange River Colony, says in a letter:

> I thought it was an easy victory you had achieved with a brief term of imprisonment. But I see now that you were not to be let off so lightly. However, I hope that your community will accept the very excellent and honourable compromise that has been reached. If it does not, the Indians will not retain the sympathies even of a single European.

Mr. Drew's words deserve to be pondered over. Readers of *Indian Opinion* know that, when others were against us, Mr. Drew's sympathies were with us. He has also been of great help in a private capacity. When a person like him writes in this manner, we should infer that things have come to a pretty pass indeed.

How Long Will Registration Office Remain Open?

Many persons have asked this question. The reply is, "As long as necessary". There can be no exact time-limit to voluntary registration. But, since about a thousand people register every week and assuming the population [of Indians in Johannesburg] to be five thousand, it appears probable that [the Office] will remain open for five weeks.

Will Police Demand [Registers]?

The person asking this question has not understood the compromise. Those who take out registers voluntarily will not be subject in any way to the obnoxious law or to the regulations made under it. There exists a written assurance to that effect. The question above does not therefore arise. I do not mean by this that the police will never question anyone. After registers have been taken out voluntarily, there is bound to be a new law of some kind. It will contain some sections providing for interrogation [by the police]. What these sections

[1] Rev. Dewdney Drew. In *Satyagraha in South Africa*, Gandhiji describes him as "one of the best speakers in South Africa". He supported the Indian cause in the teeth of European opposition. Earlier, he had given up orders to take up the editorship of *The Friend*.

will be and what form the new law will take depends on how the Indian community conducts itself during the next three months. By refusing to understand a very minor point and by their childish insistence [on not giving finger-impressions], the Pathans have created an unfavourable impression on the Government. If, in spite of this, the Government is convinced that the other members of the Indian community are sensible, honest and well behaved, the law that is to be enacted may well be worthy of such a people. Let it be noted, therefore, that every Indian now bears a heavy responsibility. We will have to deal with the local authorities at every step. The Imperial Government will not interfere in these dealings. Indeed, it cannot. Bearing in mind then, that, in matters which do not detract from our self-esteem, we must exercise judgment and care in dealing with the Government, I give below some rules [for the readers' guidance] during the next three months and indeed for all time:

1. Every Indian should disregard self-interest and think only in terms of the interests of the community as a whole.
2. No one should use a false permit or encourage another to do so.
3. No one should even think of arranging illegal entry for his relatives and friends.
4. Correct particulars about names and ages of children should be furnished.
5. The temptation to see a large number of Indians come in should be resisted.
6. One must not be rude to the officials. Not that we need flatter, but we must show respect.
7. We should assume that all Indians will take out registers promptly.
8. Most of the Indians should give their finger-impressions in the conviction that there is no disgrace in doing so.

If these rules are observed, I make bold to say that whatever law is enacted will be mild and bearable enough and will be in keeping with our dignity.

[From Gujarati]
Indian Opinion, 22-2-1908

48. *A BRIEF EXPLANATION*[1]

Everyone knows that this paper contains a good deal of my writing though a reader will normally be unable to say which articles are mine and which are by others. I print this one under my signature so that the views put forward here may be specifically known to be mine.

The controversy over the compromise with the Government has now largely subsided. There is a better appreciation of it among the people and, to that extent, they appear to have been pacified. However, controversies continue. I have received some deprecatory letters from Natal. Some of them pour abuse on me, and this only shows the pitiable state we are in. The abuse has not had the slightest effect on my mind, but it indicates the extent to which feelings have been roused.

I also see that the objections some persons have to the compromise are only a pretext, their real intention being to set the Hindus and the Muslims at variance with each other. I believe I have equal regard for the two communities. In public service, Hindus and Muslims have stood together as a united people. It is not, I have noticed, the Hindus who have blamed me; they are presumably satisfied that the compromise is a reasonable one. The condemnatory letters that I have received are all from Muslims. It is necessary to go into the reason. I am reluctant even to write of this matter, but it would not be proper to keep back [from the readers] what is on the lips of many and has become a subject of talk. Not only that; it may prove positively harmful to suppress the incident.

When the passive resistance movement was at its height, Mr. Ally[2] could not continue to trust me fully because I was a Hindu. He there-

[1] This was published in *Indian Opinion* under the title "A Letter from Mr. Gandhi".

[2] Haji Ojeer Ally; born in Mauritius in 1853 of Indian and Malay parents; spoke Dutch, English and Hindustani fluently (*vide Satyagraha in South Africa*, Ch. XIV); came to South Africa in 1884 and devoted himself whole-heartedly to the Indian cause; took notable part in the agitation against Cape Franchise Law Amendment Act; elected Chairman, Cape Coloured People's Organization in 1892; founder-President, Hamidia Islamic Society and member, along with Gandhiji, of the Transvaal Indian Deputation to England in 1906 (*vide* Vol. VI). Unable to join satyagraha campaign and unwilling, at the same time, to submit to the Asiatic Registration Act, he left the Transvaal in 1907, leaving behind large interests; *vide* Vol. VII, p. 204.

fore sent a telegram to Ameer Ali[1]. On this occasion, a few Muslims thought of sending a telegram to Mr. Jinnah, and the Pathans eventually sent one. I do not blame Mr. Ally for what he did. Again, I do not blame the Pathans for what they have done now. I have known Mr. Ameer Ali. I asked for his help on behalf of the community and it was given. I have also known Mr. Jinnah. I regard them both with respect. I do not therefore write to complain but only to point to these things as symptoms of our mental state.

The symptom is this: I occasionally observe some lack of trust [in me] though I have worked hard to bring the two communities together. This is a sign of our weakness. It makes me unhappy. I have heard some Muslim brethren say in arguments about the compromise, "Gandhi has totally ruined the Muslims and has been doing so for the last fifteen years." It is most regrettable that any Indian should utter these words. I am sure those who say this themselves know that I have never even dreamt of harming anyone.

The entire campaign was intended to preserve the status of the well-to-do Indians. Muslims are better placed in South Africa and it was chiefly a businessmen's campaign. Had it not been for the massive effort of the Hamidia Islamic Society, we would never have won. Also, had not a large number of Muslims worked hard for it, there would have been no victory. How can it be said then that I have brought utter ruin on the Muslims?

I know that there are only a few persons who say these things. Most of the Muslims realize that in South Africa Hindus and Muslims make up a single [community] and ought to live together as one. If I have done anyone harm, it must be to the community as a whole and not to the Muslims alone. And I do not see that any harm has been done. Yet people go on arguing. I therefore wish to warn my Muslim brethren against those who are out to set people at variance with each other by saying these things; they ought to be treated as enemies of the community, and no one should take any notice of what they say.

I would tell those who take pleasure in creating dissensions that they bring ruin not only upon themselves, but on the whole community. They must stop this. Let them give up considerations of mere self-interest and turn their minds to doing good.

[1] Syed Ameer Ali (1849-1928); Member, Judicial Committee of the Privy Council; Judge of Calcutta High Court, 1890-1904; author of *Islam* and books on Mahomedan Law, etc. In July 1907, H.O. Ally wrote a letter to Ameer Ali, a member also of the South Africa British Indian Committee, expressing his opposition to Gandhiji's continued campaign against the Asiatic Registration Act, for, he said, that would ruin "thousands of my co-religionists who are all traders while the Hindus are mostly hawkers". He sought the intervention of the Committee against the satyagraha movement. *Vide* also Vol. VII, pp. 123-4.

To the Hindu brethren I would say that all of us must live together as one people, regardless of the things a few Muslims who are enemies of the community may say. Looking at the matter in that light, they should give no thought to others' mistakes. They must not answer back. There can be no quarrel unless both the sides are at fault. Let them be careful, therefore, not to be in the wrong even partly.

In South Africa, I have only one duty: to bring the Hindus and the Muslims together and serve them as a single community. Some questions have arisen in this connection. We shall consider them next week. Meanwhile I request every Indian to read this patiently several times over.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 22-2-1908

49. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
February 22, 1908

DEAR MR. SMUTS,

In accordance with the permission given by you, I now take the opportunity of sending you a draft Bill[2] to amend Immigration Restriction Act No. 15 of 1907. The draft, in my opinion, meets the situation entirely. The time is ripe for me to submit it, inasmuch as there is every evidence now of the Asiatics loyally accepting the compromise.

You will see that some of the rights given by the Asiatic Act have not been availed of by the draft; for instance, Asiatics who were in the Transvaal on the 31st day of May, 1902 are, under the Act to be repealed, entitled to registration, whereas, under the draft now submitted, they are not. I have omitted them advisedly, because it exposes Asiatics to temptation. I have assumed that those who were in the Colony on the 31st day of May, 1902 must have by the time voluntary registration is completed availed themselves of it. There could not be many outside the Colony who were in it on that day and have not yet returned. If, however, there are any exceptional cases, they can be dealt with under the last clause of the amendment of Paragraph g. On

[1] A copy of this letter to Smuts was also sent by Ritch as an annexure to his letter of July 27 to the Colonial Office. In his reply dated March 12 (S. N. 4798), Lane wrote that General Smuts had his "hands pretty full of other matters" just then and had "not yet had time to go into the question".

[2] *Vide* enclosure, pp. 103-4.

the other hand, I have ventured to specifically protect Asiatics who paid £3 to the old Government before the war, because, although they are not mentioned in Act 2 of 1907, it always was the intention to protect them, and holders of such certificates who are without the Colony cannot now number more than one hundred.

The clause about temporary permits has been taken over from Act 2 of 1907. I have ventured to import into the draft Bill a section dealing with the Church Street property[1] held by the late Aboobaker Amod. As you are aware, the section in Act 2 of 1907 proved abortive. A section of that description may not appear in its place in an Immigration Bill but, as the law repeals the Asiatic Law Amendment Act, the relief sought to be granted under that Act might well be granted in a repealing Bill. I am sure that you would be pleased to restore to the heirs ownership of their inheritance. As you may be aware, the property is leased to a European firm and is being entirely used by Europeans and the building thereon is in every way a credit to the principal street of Pretoria.

I have omitted to take over from the Asiatic Act the section supposed to give relief with reference to liquor. I, personally, think that it is perfectly useless and should never have formed part of the Act.[2]

I know that you are going to amend Section 6 also of the Immigration Restriction Act[3]. I was almost going to submit a draft amendment, but, on second thoughts, I considered that it was not my place to do so. May I, however, suggest that the power of removal be changed into authority to the Magistrate to convict persons who may disobey the order to leave and to imprison them until they would leave the Colony of their own accord and at their own expense. I think that that is the utmost that a civilized Government can possibly do. If Section 6 is amended in the manner above indicated, Section 11 and Sub-Section f of Section 15 will require corresponding amendment.

There now remains for me to point out that, according to my reading of the Immigration Restriction Act, Malays and Cape Coloured people become prohibited immigrants. I hardly think that such was the intention of the Government. I should imagine that they would be protected the same as descendants of the aboriginal races of Africa, as per clause h of Section 2.

In my opinion, no further amendments would be necessary in order to carry out the main purpose of the Asiatic Act in the way of inspection and in the way of restriction of licences only to those who

[1] *Vide* Vol. V, pp. 267-8 & Vol. VI, p. 118.

[2] *Vide* Vol. VI, p. 118.

[3] For provisions of Immigration Restriction Bill, *vide* Vol. VII, pp. 492-6 and for the Immigrants' Restriction Act, *vide* Appendix I of this Volume.

are not prohibited immigrants, because both these are already more than provided for under the Immigration Restriction Act. Every person applying for a licence will have to prove that he is not a prohibited immigrant and the officers appointed under the Immigration Restriction Act will have the power to put to proof any person suspected of being a prohibited immigrant.

If there are any Asiatics who do not avail themselves of the voluntary offer, I do not think, in view of the amendment suggested by me, that you require the use of the Asiatic Act to deal with them, because they will *ipso facto* become prohibited immigrants and would, therefore, be liable to an expulsion order. Those who are outside the Colony and are because of their former domicile entitled to re-enter, although they may not possess educational qualifications, are, as you will notice, under the draft submitted by me, required to take out a registration certificate according to the voluntary form within seven days of their arrival.

I remain,
Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
COLONIAL OFFICE
PRETORIA

[ENCLOSURE]

DRAFT IMMIGRATION RESTRICTION BILL TO AMEND ACT NO. 15 OF 1907

1. Section one of said Act is hereby repealed and replaced as follows: "The Peace Preservation Ordinance, 1903, the Asiatic Law Amendment Act No. 2 of 1907, and Sub-Section (c) of Article two of Law No. 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886, and Article 128 of the 16th day of May, 1890 are hereby repealed, provided that nothing done under the said Ordinance, Act, or Law, before such repeal shall be affected by such repeal."

2. Paragraph (g) of Sub-Section one of Section two is hereby repealed and replaced by the following: "Any Asiatic who has obtained a certificate of registration under the Asiatic Law Amendment Act, 1907, or any Asiatic who has obtained before the . . . day of . . . a certificate as per form hereto attached and described in Schedule A, or any Asiatic who, not being within the Colony, is in possession of a permit or registration certificate lawfully issued to him and of which he

is proved to the satisfaction of the Immigration Officer to be the lawful possessor and who shall within seven days after entering the Colony apply for a certificate as per Schedule A, or any Asiatic who is considered by the Minister as eligible for such certificate and who does not come within the scope of Sub-Sections 3, 4, 5, 6, 7, or 8 of the definition of 'prohibited immigrant' as in the said Act 15 of 1907."

3. The Minister shall have the power from time to time to issue temporary permits to enter and remain in the Colony to any "prohibited immigrant".

4. Portion of Erf No. 373 Church Street, Pretoria, which was registered in the name of the late Aboobaker Amod and which is at present registered in the name of Henry Solomon Leon Polak may be transferred in favour of the heirs of the late Aboobaker Amod notwithstanding anything to the contrary in Law 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886 and without payment of further transfer duty.

Indian Opinion, 4-7-1908

Also India Office, Judicial and Public Records: 2896/08

50. BLUE BOOK

The Blue book published by Lord Elgin[1] in January is now available in South Africa. It is called a Blue book, though it should really be called a black book. Anyone who reads this Blue book and follows it will soon realize that the Indians' success was in spite of the Imperial Government, which had ranged itself on the other side; it was won entirely on the strength of truth. It appears that, until January 10, the attitude of the Imperial Government was a feeble one. We have seen how it changed after that date. But we do not have to be grateful to the Imperial Government for that. For them it was a good deed done under the stress [of circumstances]. We see from the Blue book that, if the Immigrants' [Restriction] Act remains in its present form, sub-section 4 of section 2 of the Act[2], as interpreted by the Government, will preclude the entry of any Indian residing outside the Transvaal. If this interpretation of the Act is correct, it is all the more clear how valuable has

[1] Lord Elgin (1849-1917); Viceroy of India, 1894-99; nominated, on his return, chairman of a Royal Commission to investigate the conduct of the South African War; became in 1905 Secretary of State for the Colonies in Sir Henry Campbell-Bannerman's Cabinet. For report of his interview to Transvaal Indian Deputation, *vide* Vol. VI, pp. 113-26.

[2] *Vide* Vol. VII, p. 493.

been our success. At the same time we must realize that, if the Government's interpretation of the immigration Act is correct, even Indians who pass the education test cannot enter. If the Indian community acquits itself well during the [next] three months, this fear will very likely prove to have been without basis. For the present, however, the first comment we have to make on the Blue book is this: though the immigration Act admitted of this insidious interpretation, Lord Elgin acquiesced in it. Likewise, he also acquiesced in section 6, which provides for the deportation of Indians on the plea of the Asiatic [Registration] Act having received Royal assent. The Colonial Government should, therefore, be granted the powers required to enforce that Act and to deport the satyagrahis. Mr. Morley[1], too, acquiesced in this after some hesitation, being satisfied with Mr. Smuts' assurance given him and Lord Elgin that [Indian] Princes and other [dignitaries] would be given the necessary permits for visits. The whole affair is as much a disgrace to the Indian community as it is to the British Empire. The British rulers take us to be so lowly and ignorant that they assume that, like the Kaffirs who can be pleased with toys and pins, we can also be fobbed off with trinkets. It is a tribute to the marvellous power of truth—be it noted by the Indians—that our rulers who thought us despicable were forced to change their opinion when they saw 200 Indians in gaol. We also learn from the same Blue book that the Chinese Consul, having raised the question of finger-impressions, found it necessary to withdraw it in view of the petition by the Chinese Association, and to tell Sir Edward Grey later that the [Chinese] objection was really to the Act itself [and not just to the finger-impressions]. We earnestly hope that the Indian community will not throw away, through a mistaken step or sheer thoughtlessness, the success that has been gained after such strenuous effort. When we have more time, we shall place before our readers the translations of relevant portions of this Blue book so that they may have the same picture of it as we have in our mind. Meanwhile, the only request we make is that they should remember that the movement has a long way to go yet and that these three months have been granted to us for finalizing our preparations and sharpening our weapons. If we make the mistake of supposing that we cannot again put up the same kind of fight, we shall to our regret lose even that which we have gained. Those who wish India well must ponder over this. They ought not

[1] John Morley (1838-1923); English statesman, writer and philosopher; ardent advocate of Home Rule for Ireland; Secretary for Ireland in Gladstone's Cabinet; Secretary of State for India, 1905-10; became Viscount Morley of Blackburn in 1908 and Member of the House of Lords; later devoted himself to introducing representative element in Indian Government. For report of his interview to Transvaal Indian Deputation, *vide* Vol. VI, pp. 208-17.

to allow their character—patience, endurance, generosity, industriousness, etc.—to desert them.

[From Gujarati]
Indian Opinion, 29-2-1908

51. *RITCH'S WORK : AN APPRECIATION*[1]

We must do something for Mr. Ritch without losing time. He has done invaluable work. We think it will be a great sin if the community fails in doing its duty by him. There are very few [persons] to be found even among Indians, let alone the whites, who have Mr. Ritch's perseverance and single-mindedness. We hope both the poor and the rich will contribute to the best of their means. We will publish the name of every contributor. No one should take cover behind what another does. We must not wait for another to make a beginning. In matters like these everyone should be ready to make a beginning himself. Nowadays we do not publish translations of letters from Mr. Ritch often enough—although they are now particularly long. We already know the results of the developments he mentions. Attaching as we do more importance to other current matters, we either omit his letters or abridge them.

[From Gujarati]
Indian Opinion, 29-2-1908

52. *BAD HABIT*

A reader from Durban writes to say that many of us are in the habit of referring to Indians from Calcutta or Madras, in public as well as in private, as "coolya" or "coolie". The complaint appears to be justified. We have often heard well-bred Indians use such terms. We are annoyed when Mr. Smuts or other whites use the word "coolie", but ourselves frequently use the same word deliberately or unwittingly, referring to persons from Calcutta or Madras who may not be labourers. The correspondent informs us that he once heard an Indian businessman refer to a person from Calcutta as a "coolie" in the presence of a lawyer. We hope that every Indian who has this habit will give it up, if only because such behaviour stands in the way of bringing all the Indians together.

[From Gujarati]
Indian Opinion, 29-2-1908

[1] *Vide* "Ritch's Great Achievement", p. 63 and "Fund for Ritch", pp. 88-9.

53. *JOHANNESBURG LETTER*

Registration

Registration is going on apace. The officials are not able to attend to all the Indians who turn up. They cannot manage more than 200 applications a day. Since all the officials are fully occupied in Johannesburg, it has not been possible to move the office to other towns. But it is likely that by the middle of March the office will have visited all the other towns.

The Chinese

There arose a further misunderstanding about registration certificates for the Chinese. Mr. Chamney told Mr. Quinn that it was not right that all the Chinese should give their thumb-impressions only. Mr. Gandhi then found it necessary to intervene, and it was eventually agreed that the Chinese who reported might give their thumb-impressions only. The more the Chinese persist in such childish obstinacy, the more they lose their good name. The Indians readily go to the Office and furnish their finger-impressions, and this wins for them an increasing appreciation of their nobility and gentleness. About 95 per cent. of the Indians have already given their finger-impressions. About five per cent. probably gave only their thumb-impressions. True bravery implies humility and gentleness. We find the most fearless persons appear calm and gentle. The famous General Gordon[1] was ordinarily mild as a lamb, kind-hearted and gentle in his dealings, and altogether without a trace of rudeness about him. Even children could talk to him freely. The same person roared like a lion when his honour was at stake.

Story of Finger-impressions

I feel ashamed for the community that I should still have to write about finger-impressions. The point is so simple that it is difficult to understand why it is still being argued. But the late Professor Max Muller said that as long as truth is not effectively impressed on the mind of the other, there is nothing wrong in repeating the same thing over and over again in different words. It is indeed necessary to do so. Besides, there are some mischief-mongers among us who want

[1] Charles George Gordon (1833-85); British soldier and administrator; served in the Crimean War and later with distinction in China (hence "Chinese Gordon") and Egypt; was Governor-General of the Sudan; died defending Khartoum against the Mahdi's forces.

to see trouble in the community. In order to counter the arguments of such persons from time to time and thus prevent sincere but simple-minded Indians from wavering, it is necessary to put down every idea that occurs to one. I can see indications that in the end digit-impressions will be introduced all over South Africa—maybe ten, maybe eighteen of them—although, of course, I do not see why that should frighten us. The immigration Act has been in force in the Transvaal since January 1. It has not yet been possible to enforce it against Indians, for their campaign has been directed against registration itself. Under that law, there are four different kinds of passes to be taken out.

In the first place, under the law, even a person who, by virtue of being an old resident, is entitled to return to the Colony [after temporary absence] is required to have a pass; he may, however, find it difficult to return for want of proficiency in a European language. Such passes will rarely be necessary for Indians as they will have their registration certificates with them. But they will be required of whites—Jews and others—belonging to the working class, for it may happen that they do not know English and that some of them do not have £20 in cash. On one side this pass will carry particulars about the holder, such as his name, address, and on the other his ten finger-impressions. That is, the position is for them the same as that obtaining for Indians today. The only difference is that the Indians have to affix their finger-impressions on the application only, not on their passes. But the [other kind of] passes referred to earlier will bear the ten finger-impressions [of the holder] and will have to be produced often.

The second kind of pass is meant for new immigrants under the same law. It is intended mostly for Jews, for they will not be able to take the test at Volksrust easily. Moreover, there are no Yiddish-knowing officials at the border. Arrangements have been made for issuing passes to such persons at the port or in England itself. This pass, like the first, will bear impressions of all the ten fingers.

The third kind of pass is in the nature of a permit which may be issued to anyone for a limited period. It will also bear ten finger-impressions.

The fourth is meant for witnesses who may be allowed into the Transvaal but who cannot take the test. This will also bear ten finger-impressions.

There are thus four kinds of passes [to be had against] varying fees, of which two categories are such as will most likely apply only to the whites. [The system of] finger-impressions has been introduced for these passes. How can the Indian community then protest against finger-impressions? It is to be observed moreover that the whites do not oppose these regulations at all. The reason is worth noting. The whites are free and independent. They do not get scared unnecessarily,

neither do they see humiliation where in fact there is none. And for the same reason they do not feel that finger-impressions by themselves imply criminality. The fact is that for the identification [of pass-holders] and for the prevention of fraud, digit-impressions offer a simple, effective and scientific means. It is true that this method was at first applied only to criminals. That is the reason why, when the method was sought to be applied particularly to Indians under compulsion, we opposed it and were justified in doing so. But there is no reason to oppose it now. Many reforms have been adopted after they were first tried out on criminals; for instance, vaccination with cow-pox serum. When Mr. Jenner discovered this method of vaccination, he first tried it on prisoners. It was introduced among the rest of the population after the experiment had proved successful. No one could argue that the free population was thereby humiliated.

If anyone wants to know why all these arguments were not advanced earlier, it is easy to answer the question. Formerly, finger-prints were a part of an enslaving law and therefore a symbol of our slavery. It was thus our duty to draw attention to the humiliating aspect of [giving] finger-impressions. It was then no part of this journal's intention to help [the Government] to dress the Indian community in a cloak of slavery by arguing that finger-impressions were bound to be introduced in the end, or that the method had advantages from a scientific point of view. There was no need, therefore, at that time to argue that in a certain context it would become necessary to give finger-impressions, or that there should be no objection to [giving] them. That was at a time when it was necessary to present a strong case against the law. All the arguments advanced at that time either in my news-letters or elsewhere in this paper were valid. Even today, given an identical situation, they would be absolutely valid. If anywhere in the world they should introduce the [system of] compulsory finger-impressions, or even a thumb-impression for the Indian community alone, with the object of stigmatizing it for the colour of its skin, this journal will again take up the banner and repeat the arguments used in the past. Besides, everyone must know that we have always said that our campaign was not directed against finger-impressions as such but against the law. The repeal of the law being assured, the Indian sword returned, on its own as it were, to the scabbard.

About Licences

For a variety of reasons it has now been arranged that those who have taken out registration certificates of their own accord should have licences issued to them even before a new law is passed. It will be stated on the licences that they are being issued subject to the approval by Parliament of [the principle of] voluntary registration. This is a

more satisfactory arrangement than the issuing of conditional receipts, and is an earnest of the Government's intention fully to honour its commitment to the Indian community.

MAY 31, 1902

Questions have often been raised about the column in the application form calling for information about the applicant's whereabouts on May 31 [1902]. It is in the interests of the Indian community that this information is sought, for those who were in the Transvaal on May 31, 1902 can be registered even in the absence of a permit or other similar evidence.[1]

WILL VOLUNTARY REGISTRANTS BE SUBJECT TO EXISTING LAW?

There should have been no need to ask this question. There exists a written understanding with General Smuts that those who take out registers of their own accord will not be subject to the law, even if there should be a few such Indians.

NEW ENTRANTS

A question has also been asked whether fresh entrants into the Transvaal will be allowed in. I think those who pass the education test under the immigration law should be able to come in. However, the Blue book received from England recently shows that, according to the interpretation put upon sub-section 4 of section 2 of the immigration Act, even educated people cannot enter.[2] I do not myself accept this view, neither does Mr. Gregorowski[3]. If the proposed law incorporates amendments which I should like, it will no longer be possible to argue that sub-section 4 admits of two interpretations. Whatever the correct interpretation, I would strongly advise the intending Indian immigrants and permitless refugee Indians not to think of entering the Transvaal for the present. The first duty of the Indian community is to prove its worth and its honesty whithin three months. We shall see about the other things afterwards. If any educated persons or refugees want to enter the Transvaal at present, I am sure that it will only harm [the cause of] the community. Durban has been of great help in this struggle, and I hope that it will continue working hard for some time more to prevent the entry of permitless Indians into the Transvaal.

VOLKSRUST INDIANS

In January, the Volksrust Committee sent the Association a sum of £7 telegraphically which was made up of contributions from the

[1] *Vide* also "Letter to General Smuts", pp. 101-3.

[2] *Vide* Vol. VII, p. 103.

[3] A Johannesburg barrister

following persons: Mr. Mahomed Suleman, £3; Messrs Hoosen Suleman & Co. (Parakh) £2; Messrs Suleman Moosaji Mungera, Ebrahim Mahomed Jadavat and Moosa Suleman, 10s each; Messrs Asmal Ahmed of Kanam and Ahmed Ebrahim Hasrod, 5s each; total £7. This should have been reported earlier, and I am sorry that it could not be.

New Register

The new registration certificate will contain the following particulars: name, community, age, height, external mark of identification, the Registrar's signature, date of [issue of] the certificate, signature of the person registered, and the right thumb-impression. Then follow below name of wife, address, and the names, ages, address and relationship [to applicant] of children under sixteen years of age and of minors of the same age. This register is altogether different from the one issued under the new law. The wife's name found a place in the old register[1], and harassment of women can be obviated if the name is mentioned. This register makes no reference to the new law. Registers taken out voluntarily will be numbered serially beginning with one.

Finger-prints from Women

It is reported from Volksrust that officials demand thumb-impressions of Indian women, and the latter give these. What is more, the women give thumb-impressions and refuse to lodge complaints. We have thus lost many rights through fear. For myself I would rather that women were not subjected to such harassment. Even white women have to give their finger-impressions, to say nothing of thumb-impressions. There is good reason for this: a large number of white women of questionable reputation come in. No such charge has been made against Indian women in the Transvaal. I believe, therefore, that, if the Indian community shows some pluck in dealing with the matter, Indian women may be spared the harassment of interrogation. I hope that this point will be borne in mind and that all such cases will be reported without fail to the Association.

Pietersburg Gaol

Writing about the experiences of Indians who went to gaol in Pietersburg in connection with the law, Mr. Khanderia tells us that they were all kept together in gaol. The arrangements were good. The meals consisted of pulses, rice, vegetables and ghee. The Magistrate being very kind, the prisoners were permitted to write letters. Once a week they could also have a visitor [each] in connection with

[1] Issued under Law 3 of 1885

their business. The gaoler, too, was kind. Mr. Bhayat's manager and Mr. Abdool Latief visited the gaol once.

I had always thought that Indians would not have difficulties in mofussil gaols, for the freedom that one has in a village gaol can never be had in city gaols, such as those in Johannesburg, Pretoria, etc. If we hope to achieve much in the future, we shall have frequent occasions to go to gaol. It is therefore necessary to note such facts.

MEETING OF ASSOCIATION

A meeting of the British Indian Association took place on Friday, the 21st. A large number of Indians were present. After some discussion, it was resolved, at the instance of Mr. Imam Abdool Kadir, who was supported by Mr. Thambi Naidoo, to try and send Mr. Ritch a sum of £300 at the least as a mark of our appreciation for his work, and if necessary, to draw upon the funds of the Association for this purpose to the extent of £100.[1] [It was further resolved] to send addresses to Lord Ampthill and Sir Muncherjee Bhownaggree at a cost of up to £25, to give a gift of about £50 in value to Mr. Polak, £10 or more to Miss Schlesin, £10 to Mr. Isaac[2], £10 to Mr. Curtis and also [send gifts] to others who had rendered appreciable help in furthering the movement. It was also decided at the same meeting to give a dinner to Mr. Cartwright, Mr. Phillips, Mr. Doke and a few others. Tickets priced at two guineas each will be issued for the dinner. It is hoped that about 30 Indians will buy tickets. The proceeds will be spent on the dinner, to which 20 whites will be invited. If the idea works, this will perhaps be the first instance in South Africa of so many Indians and whites coming together at a party.

In passing the resolution about expressing, in concrete terms, our appreciation [of the help received], I think the Indian community has only done its duty. The whites who helped did so sincerely, without any expectation of reward. The Chinese Association, too, will pass a similar resolution. As for Mr. Ritch, I hope that a tidy amount will be collected exclusively for him and that the reserve fund of the Association will not have to be drawn upon. Mr. Ritch's services have been such that no Indian should hesitate to contribute his mite.

SUGGESTION

At present there is such heavy pressure on the Registration Office from the Johannesburg Indians alone that preferably only those Indians

[1] *Vide* pp. 63, 88-9 & 106.

[2] Gabriel I. Isaac; English Jew and jeweller; a practising vegetarian associated with the Johannesburg vegetarian restaurant; sometime member of Phœnix Settlement, travelled collecting subscriptions and advertisements for *Indian Opinion* and was ever ready to be of use to the journal and to Gandhiji; later became a satyagrahi.

from outside the city, who are in a hurry to leave for India, should come here [for purposes of registration]; the rest will have time enough later.

HAWKERS AND PEDLARS

Many of them do not understand the difference between a hawker and a pedlar, and needlessly pay more money to take out a hawker's licence. Anyone who plies his goods in a horse-drawn carriage is a hawker and anyone who uses a barrow or a basket is a pedlar. The pedlar's licence costs only £3, whereas a hawker's licence costs £5.

[From Gujarati]
Indian Opinion, 29-2-1908

54. *FURTHER CONSIDERATIONS*[1]

I wrote last week of the real issues underlying the controversy that is raging over the compromise.[2] I promised then to write again. Even an emperor cannot bring round those who are bent on mischief directed against the community. How then can I, a poor man, hope to do so? My effort is directed only towards those who harbour no mischievous intent, but who are likely to be misled by others.

WHY DID I NOT CONSULT OTHERS?

This question is often raised, and I have already answered it. The letter[3] which I am said to have signed without consulting others was not explicit on the question of finger-impressions. My meeting with General Smuts was followed by a largely attended meeting[4] of Indians at midnight. I put the question of finger-prints before the meeting, and all the Indian leaders who were present authorized me to agree to the proposal. Shahji was the only one who opposed it. When I met Mr. Smuts the following Monday, I was thus fully aware of the people's views. I had also in mind the messages I had received from the leaders while I was in gaol. I had kept myself fully informed of the real difficulties of the people and the state of their mind.

I DID NOT SHOW PATIENCE

Some persons believe that since I was in gaol I was not posted with the developments in England. It would have been, they argue, a very good thing if I had waited a little longer. This again is not true. While in gaol I was kept posted with all the information. Even if I had not

[1] This was published under the title "Another Letter from Mr. Gandhi".

[2] *Vide* "Letter to Friends", pp. 75-6 and "A Brief Explanation", pp. 99-101.

[3] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[4] The Press refrained, at the instance of the conveners, from publishing reports of this meeting.

been, I had already predicted what would happen in England. I have not therefore acted in ignorance. We stood to gain nothing by waiting longer than we did, for it is not as if we had agreed to finger-impressions under pressure. It was because of our offer of voluntary registration that we received support in England. If I had lost any time when the offer came from the Government, it would have cost us the sympathy we got in England. Let us remember that there were elderly and respectable businessmen who were to go to gaol the day following that of the compromise. The thought was gnawing at my heart. I saw that it was my duty to prevent this from happening if I could. It is therefore wrong to speak of undue haste on my part.

Moreover, those who followed me to gaol had rather discouraging reports to give. They told me that people were losing courage. The hawkers, they told me, had stopped going their rounds. They wanted me to bring about a compromise as early as possible. Those who went to gaol lost their nerve in a few days, and some of them hinted that they would not go to gaol again. General Smuts told me much the same thing when I met him: that I did not have the slightest idea of the number of people who had wanted to submit to the law. A few people had already sent applications to him in secret. I even know the names of some of them. All these things could not just be ignored by a person who had been deeply involved in the struggle for 16 months. However, if I had seen any objection to finger-impressions, or if I had even known that Indians in the Transvaal would be extremely unhappy about having to give their finger-impressions, there would perhaps have been some reason for further deliberation. But, as far as I could judge, there was no objection to the voluntary provision of finger-impressions just as there was none to voluntary registration; and I knew that sensible persons in the Transvaal were not opposed to the idea, for they had no objection to finger-impressions as such, but only to the manner in which they were [required] to give them under the law. Since that situation no longer obtained, finger-impressions in themselves had become innocuous.

Did I Lose Courage in Gaol?

People who accuse me [thus] do not know me at all. If there was one person who enjoyed being in gaol, it was I. I did not find anyone else as content to be in gaol as I was. I should welcome gaol again if the occasion demanded it; so sure am I of myself.

Point in Giving Finger-impressions

Some people want to know what I mean when I say that it is advantageous for us to give our finger-impressions. Let me mention some of the reasons.

1. By agreeing to give our finger-impressions we have only shown our good sense and proved that the campaign was not against these.

2. I thought it wise to satisfy the Government on a matter such as this. Experience has confirmed the view.

3. If we had not agreed now to give the finger-impressions, we would have later been compelled to give them. Whether or not we would have given them then is another question.

4. Several clauses of the immigration Act provide for the taking of whites' finger-impressions.

5. I think I acted honestly in giving my finger-impressions. I have therefore made good my pledge and shown that I was not cowed down by the Pathans' assault. I have also forestalled the charge that I had so contrived things as not to have to give my own finger-impressions.

6. This [arrangement] safeguards the interests of many poor people.

7. It has added to the prestige of the Indian community, and several whites have now become ardent friends of the community.

How Chinese Managed to Escape

Some people argue that the Chinese fought and so managed things that they had to give no more than a thumb-impression. This is a mistaken view. It is the British Indian Association that is responsible for having had them exempted. I intervened in the matter and sent a message to Mr. Smuts from bed. It is therefore a part of the compromise that the Chinese will give their thumb-impressions only. We could have done what the Chinese have done. But, by their obstinacy, the Chinese have lost their good name with the Government, whereas we have retained ours. Not only that; a situation has arisen in which, if the Indian community wanted it, the Government might single out the Chinese [for differential treatment]. We are not the people to attempt anything of the kind. The thoughtful among the Chinese realize this, and that is why they have been voluntarily giving their finger-impressions. Mr. Quinn has already given his.

Voluntary versus Compulsory

In this connection, a patriotic worker has cited an excellent analogy for the benefit of our Muslim brethren. According to the Koran it is permissible to eat the flesh of an animal slaughtered in the name of God, but not otherwise. Similarly, it is legitimate to give finger-impressions voluntarily, but it was not so when they were compulsory.

Have Educated Found It Profitable Arrangement?

This question can only come from sheer lack of understanding. Those who are really educated are bound always to have an advantage

over others. If that were not so, there should be no need of education. Those who have not themselves had any education should realize that, if the educated prosper, the entire community stands to gain. It may be that the educated persons do not always prove themselves worthy. Besides, what do we mean when we speak of a "profitable arrangement"? What special advantage is to be had from either giving or not giving finger-impressions? The educated persons may sign their names while the uneducated only put a cross. What is the special advantage in either arrangement? In fact our object should be to safeguard the rights of as many as possible. It is degrading to feel envious without cause; indeed it is cowardly. Let us remember that only if there is water in the well will there be any in the trough, and in that belief, we should encourage education. [Instead of envying others,] we should aspire for the same thing for ourselves. We should realize the value of education and help it to spread.

Real Significance of Law

What is the really objectionable feature of the law? If someone asked me this question, I should first say that it was a mystery which could not be easily explained. We feel the air through its effects but cannot see it. We smell the fragrance of flowers, but cannot see it. Having called on someone, I can only say whether I was treated courteously or discourteously, but often cannot point to anything specific indicating either. There may be two pearls, one genuine and the other false. Only an expert can tell between the two, and we would respect his judgment. I think experience has made me something of an expert about laws. When I read this outrageous law, my hair stood on end, and I felt there was something wrong about it. The law was so drafted as to make slaves of us. It was to be the harbinger of other disabilities to come. If the law had come to stay, it would have ruined us everywhere. They passed the law in spite of our protest, treating the entire community as criminally inclined. Even if we had stood to gain hundreds of thousands of rupees by deferring to the law, it would have been contemptible of us to have taken the money. If people outside this country read the law, they would suppose that those who submitted to it were slaves. The law would have made cowards of us all. It would have put an especial affront upon our religion. It also sought to stigmatize our children. If it had been enforced, we would have been doomed to Locations for ever. There is no reference anywhere in these arguments to finger-impressions. There are bound to be some who, I know, will despair of this enigma. But having lived in enslavement for so many years, we cannot recognize freedom when we see it. When, after a long period of confinement in a dark room,

La Touche [?][1] was taken out, he was dazzled by sunlight and [asked] to be sent back to his cell. In the same way, having remained in a dark room for so long, we cannot bear the light.

WILL FINGER-IMPRESSIONS BE INTRODUCED ELSEWHERE?

For my part, I believe that finger-impressions will be introduced in many Colonies. Nor do I see anything objectionable in this. It all depends upon the manner in which they are introduced. Shall I refuse to act out of my free choice for fear that the action may be made compulsory in future? Would it be wrong to serve a friend who is ill, fearing that in future he might exact this service from me? While in gaol I cleaned latrines of my own accord. That did not lead anyone to force me [to do so again]. If the officials had tried to, they would have got a ready retort. I take it to be cowardice to refuse to do something good in itself for fear that it might become compulsory in future.

This should be enough. All these arguments have been advanced earlier, if not in this form, in some other form. They should be studied closely, and we must resolve in our own minds that Hindus and Muslims will always stick together. They ought not always to be suspicious [of one another]. We will take every step warily. We will not be foolhardy. Only if we conduct ourselves in this manner shall we become a single people, and go forward; otherwise we shall be blown apart, like a cloud, by the gentlest breath of wind.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 29-2-1908

55. LETTER TO "INDIAN OPINION"[2]

JOHANNESBURG,
March 3, 1908

THE EDITOR,
INDIAN OPINION

SIR,

The honour of the Indian community has been vindicated and a great victory won. It has earned the admiration of the world and gained more prestige. During the early stages of the struggle the white population of the Transvaal and South Africa laughed at the community, and it was only after the movement had gathered momentum that those

[1] લાટુશ in original
[2] Judging from the contents, it appears likely that Gandhiji drafted this.

among the whites who valued truth and were men of conscience came forward to help us. In England, the brave Ritch, neglecting his dear, bed-ridden wife and his children, rushed about working like a convict under a sentence of hard labour. He roused public opinion throughout England. His impassioned eloquence touched every heart [and evoked] the sympathy of the nobility, the rich and the poor alike. The spark [that he struck] broke forth into a warm burning flame in the hearts of the Transvaal Ministers. Indian prisoners were set free as a result and their offer of [voluntary registration] was accepted. Indeed, God has saved the community's honour.

The Indians' success is the first example of its kind. Its value cannot be exaggerated. Every Indian ought to be proud of it. If one adheres to truth, succour from God or His servants will follow inevitably. If we are to keep alive the memory of that divine succour in the minds of our descendants, every Indian will agree that the Federation Hall is a necessity. All those who have Indian blood in their veins will work sincerely to promote the cause in every possible manner. Since the hall will serve as a memorial, both the poor and the rich must help in every way, financial and other.

It has been decided to build the hall in Johannesburg. The collection will start in a few days. Every Transvaal Indian must pay 10s at the least and a receipt will be issued to him under the signature of the Chairman of the British Indian Association. Businessmen, property-owners and other well-placed Indians must contribute more than 10s each—the most they can. Any Indian who misleads the people on this issue or indulges in scheming will be an enemy to the country and truth. I want to make a special appeal to every Indian to keep clear of the net that such persons may spread for us and, holding God and truth dear, to come forward and help in every way possible. It is hoped that the rich will contribute anything between £50 and £100 at the least. Those who have registered under the old law are in no way distinct from us. Here is an occasion for them to do their duty and make themselves really useful.[1] We hope that they will contribute a handsome amount.

It is especially needful on this occasion to express our appreciation of Mr. Ritch, the brave man who has worked tirelessly in England as the truest soldier of this campaign at all stages. The Association has resolved to offer him only £300 on behalf of [Indians in] South Africa—a paltry amount indeed since, owing to other pressing demands, it will be unable to send a larger sum just now. It is essential that this money be raised as quickly as possible. Indian leaders all over the South African

[1] *Vide* also "To Those Who Submitted to the Obnoxious Law", p. 63.

Colonies should collect contributions and send them in time to the British Indian Association at Johannesburg.

Yours etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

[From Gujarati]
Indian Opinion, 14-3-1908

56. *MY GAOL EXPERIENCES*[-*I*][1]

Many friends have asked me to reduce to writing my experiences of the gaol life, all too brief though it was. There were certain things that came under my observation which might be of advantage if they were put in a more or less permanent form. Believing as I do firmly that incarceration may often be the means of opening the gateway to freedom, liberty, and reform, the experiences I am about to relate may not be profitless to those who do not mind, for the sake of a principle, suffering some inconvenience, or, at any rate, restraint on their personal liberty.

It was on the 10th of January, 1908, in the afternoon of a Friday, that Messrs P. K. Naidoo, C. M. Pillay, Karwa, Easton and Fortoen (the latter two Chinese) and I were sentenced to be imprisoned for two months, without hard labour, for the crime of not having taken out our registration certificates under the Asiatic Law Amendment Act[2]. I was the first to be tried at Johannesburg, and, after receiving my sentence, and after having been detained for a few minutes at the prisoners' yard attached to the Magistrate's Court, I was asked to get into a cab, to which I was stealthily taken in order to evade the enormous crowd that was waiting outside the Court House, and was quickly driven to the Fort. Many were the thoughts that came surging through my mind as I was being driven. Was I to be specially treated as a purely political prisoner? Was I to be separated from my fellow-prisoners? Was I to be taken to the Johannesburg gaol at all? To my very great relief I was soon disillusioned. I was not to be separated from Mr. Naidoo and others who were tried with me, nor were we to receive any special treatment. At the same time I was a little unprepared for what followed. We were all first taken to the reception room, as the room which is used for measuring and dressing prisoners is called. There we were weighed and totally undressed. We were given non-labour clothes to wear,

[1] This appeared in two instalments in the English section under Gandhiji's name as "Special to Indian Opinion".

[2] Asiatic Registration Act

consisting of trousers, shirt, jumper, cap, socks, and a pair of closed sandals. We were all required to give our digit-impressions, and at about four o'clock marched to our cell with eight ounces of bread for our evening meal.

Classification of Asiatics with Natives

The cell was situated in the Native quarters and we were housed in one that was labelled "For Coloured Debtors". It was this experience for which we were perhaps all unprepared. We had fondly imagined that we would have suitable quarters apart from the Natives. As it was, perhaps, it was well that we were classed with the Natives. We would now be able to study the life of Native prisoners, their customs and manners. I felt, too, that passive resistance had not been undertaken too soon by the Indian community. Degradation underlay the classing of Indians with Natives. The Asiatic Act seemed to me to be the summit of our degradation. It did appear to me, as I think it would appear to any unprejudiced reader, that it would have been simple humanity if we were given special quarters. The fault did not lie with the gaol authorities. It was the fault of the law that has made no provision for the special treatment of Asiatic prisoners. Indeed, the Governor of the gaol tried to make us as comfortable as he could within the regulations. The chief warder, as also the head warder, who was in immediate charge of us, completely fell in with the spirit that actuated the Governor. But he was powerless to accommodate us beyond the horrible din and the yells of the Native prisoners throughout the day and partly at night also. Many of the Native prisoners are only one degree removed from the animal and often created rows and fought among themselves in their cells. The Governor could not separate the very few Indian prisoners (It speaks volumes for Indians that among several hundred there were hardly half a dozen Indian prisoners.) from the cells occupied by the Native prisoners. And yet it is quite clear that separation is a physical necessity. So much was the classification of Indians and other Asiatics with the Natives insisted upon that our jumpers, which being new were not fully marked, had to be labelled "N", meaning Natives. How this thoughtless classification has resulted in the Indians being partly starved will be clearer when we come to consider the question of food.

Description of the Cell

The cell in which we were placed was legally capable of holding thirteen prisoners, so that there was, naturally, sufficient accommodation to start with. It was a novel sensation to be locked up at half-past five. The cell was a galvanized-iron construction, fairly strong, though none too strong for prisoners bent on escaping. There was, perhaps, fair ventilation. But two small windows at the top, half open, and apertures in the opposite wall hardly reach modern requirements, though

I was assured that these cells were the best ventilated of all the prisons in the Transvaal. There was electric light in the cell, but the only lamp in it was not strong enough to do any reading with any degree of comfort. The light was switched off at eight o'clock in the evening and was spasmodically switched on and off during the night. A bucket of water and a tin tumbler was our ration of water for the night. For natural convenience a bucket in a tray with disinfectant fluid in it was placed in a corner. Our bedding consisted of wooden planks fixed to three-inch legs, two blankets, an apology for a pillow, and matting. At our request the Governor ordered a table and two benches to be placed in the room for writing purposes.

The Meals

The cell was opened at six o'clock, and with the day began our first meal. For the first week we were served with twelve ounces of mealie pap. Most of us had more of the spoon than of the porridge for the first breakfast. Neither the Chinese nor the Indians were at all in the habit of taking mealie porridge, especially as it was without any milk or sugar. The following is the scale for non-labour Native prisoners for the first week: breakfast daily, twelve ounces of mealie porridge; dinner, Monday, Wednesday and Friday, twelve ounces of beans; Tuesday, Thursday, Saturday and Sunday, one quart of mealie porridge; supper daily, four ounces of crushed mealies and one ounce of fat. Indian prisoners, however, get instead of crushed mealies, four ounces of rice and one ounce of ghee (clarified butter). This diet was hardly satisfactory not because it was not palatable but because it was not a diet at all suitable for the Asiatic constitution. The Chinese fared worse because they had the entire Native scale and therefore no rice. For the first few days, for most of us, it meant practically starvation. Even when we got over the natural repugnance, it was a diet that constipated some of us and gave diarrhoea to the others; but we were determined to go through it and not to ask for any favours or concessions. We felt that it was for the Governor to move and see that a more suitable diet was issued to us. When, therefore, the Governor enquired whether we had anything to say regarding diet, we simply stated that we did not wish to ask for any concessions, though the diet was not suitable. For the second week the scale was a little relieved by the addition of eight ounces of potatoes or vegetables to the dinner when it consisted of mealie porridge, and on Sunday twelve ounces of meat were also added; but, as most of us were either vegetarians or could not take the meat as it was not religiously cut, we had one pound of vegetables. This diet, however, did not last long.

Indian Opinion, 7-3-1908

57. EXTRACTS FROM BLUE BOOK

"Heavenly" means "blue" and it also means "that which is above". The book from which we promised last time to publish extracts is called a Blue book,[1] but it has no reference to the [heaven] above. We have therefore called it a black book, and it has a hellish look. It runs into 88 pages of foolscap size. The first letter in it is dated April 4, 1907. We shall omit most of the letters sent by the Indian community from time to time and the letters and representations addressed [to the Imperial Government] by the South Africa British Indian Committee. The document contains [the text of] the "obnoxious Act", the immigration Act and other similar [legislation]; we shall omit these also.

In a cablegram dated July 11, Lord Selborne requested Lord Elgin to issue telegraphic advice of [Royal] assent to the Immigration Bill which the Transvaal Parliament wanted to pass; the cable also contained the substance of the Bill. Lord Elgin replied on July 16, saying that "it does not appear possible to deal with it by telegraph". He had realized from experience that cabling the sanction to such laws led to difficulties [later].

Lord Selborne's Letter

Replying to Lord Elgin on the question of the Asiatic [Registration] Act, Lord Selborne wrote on July 27:

> The Colonial Government are not in a position to accept Your Lordship's suggestion about the finger-impressions. Mr. Henry's book has revealed that finger-impressions have been in extensive use in India. I am surprised to see that Sir Lepel Griffin[2], who has had experience of conditions in India, has taken exception to them. For my part, I am convinced that the Asiatics who are lawfully settled in the Transvaal will not object to finger-impressions. It is certain, however, that those who have been carrying on a traffic in faked permits or have made huge profits by helping illegal immigration will go out of business. Similarly, in view of the requirement regarding finger-impressions, Indians who have entered unlawfully will find it impossible to stay on [in the Transvaal]. The magnitude of the traffic, the size of the profits made and the extent of the corruption can be judged from the enclosed documents.

[1] *Vide* "Blue Book", pp. 104-6.

[2] Sir Lepel Henry Griffin (1838-1908); Anglo-Indian administrator, generally sympathetic to Indians; vigorously espoused their cause in the Transvaal and elsewhere in South Africa; headed the Transvaal Indian Deputation which met Lord Elgin and Morley in connection with the grievances of South African Indians. *Vide* Vol. VI.

Your Lordship may please note that only those cases have been included in the accompanying notes of which the Transvaal Government has had definite information. But there must have been many more instances which never came to the notice of the Transvaal Government. I wish the officials to keep clear of the kind of temptations which were held out to Superintendent Vernon and Constable Harris by an Indian named Lala. The only reason why some Indians have protested against the new Act is that it puts an end to their lucrative business and to the ease with which they have carried it on.

Chamney's Note

Mr. Chamney's report covers more than seven pages of the Blue book. All of this long report is taken up with factual accounts of cases of faked permits, illicit immigration, corruption, substitution of thumb-impressions on permits, furnishing wrong information about age and other fraudulent practices relating to permits. About 100 persons are stated to have been arrested for one or the other of these offences between February 1906 and June 24, 1907. About ten of these were Chinamen and the rest Indians. The facts in some of these cases are reported by Mr. Chamney as under.

In May 1907, an Indian named Fateh Mahomed obtained the address of Mr. Cody of the Asiatic Office through a Sikh servant. He went to Mr. Cody's place and offered a bribe of £50 for permits for two boys from Delagoa Bay.

In May 1906, a man named Shivabux approached the Asiatic Office with the request that his son, Chandman, be expelled from the Transvaal. It transpired later that Chandman was not his son, but had been brought in fraudulently. Chandman wanted later to murder Shivabux; hence the latter's request.

In April 1906, two Indians at Delagoa Bay applied for permits. Before the permits were issued, they entered [the Transvaal] with faked permits. It transpired during the trial that they had obtained these permits in Delagoa Bay. A notebook found on one of these individuals contained information on questions usually put to the applicants for permits when they are examined [by the permit authority]: for example, English, Kaffir and Dutch words in commercial use, a brief description of Johannesburg with particulars of the Indian Location, the Post Office, the Magistrate's Court, the railway station, etc. The men also stated that 13 others had entered Johannesburg in the same manner.

A Chinaman had applied for a permit. When he was examined, it was found that he had entered the Transvaal under three

different names at different times and had been thrice convicted for felony and deported.

In August, 1906, one Arabi Isa was sentenced to six months' hard labour for attempting to bribe [the authorities] in Komatipoort to secure the release of a prisoner.

In the same month, Dahyabhai Shankarbhai, an Indian, offered to help Sergeant MacDougal earn between £100 and 150 every month if the latter would abet unauthorized immigration.

A Portuguese detective in the employ of the British Consul at Delagoa Bay wrote in December 1906 that a person named Lala had offered him a bribe of £17 for smuggling two boys into the Transvaal.

In January 1907, a Chinaman named He yi-yang was arrested for erasing the thumb-impression on a permit and affixing another in its place. He declared on oath in the Court that he had bought that permit in Delagoa Bay for £40 and that there were 18 other Chinese who had done the same thing.

In May 1907, one Morar Lala, who had applied for a permit, was arrested. At a searching cross-examination, he broke into tears and admitted that his name was Zina Lala, and that Morar Lala was his brother who had died after returning to India.

In March 1907, four Indians entered the Transvaal. Their thumb-impressions closely resembled those on [their] permits. On investigation it was found that the duplicates of four permits had been missing from the [Permit] Office, and that these four persons had erased the thumb-impressions and affixed their own instead. They are absconding, and the police are still trying to trace them.

Other cases are on record of persons who were subsequently found to have entered on faked permits but whose whereabouts are still unknown to the police.

[Two] Indians named Dulabh and Jivan Govind stated in May 1907 that they had bought permits from an Indian and a white respectively for £22 each at Delagoa Bay.

Some time around June 1907, one Lala Bava stated that he had paid £30 for a permit.

In Johannesburg, in June 1907, one Kaka Hira said that he had purchased a permit from a person named Kanji Morar for £30.

A letter addressed by one Indian to another fell into the hands of the police. It said: 'My respects to you. This is to inform you that eight to ten Indians have arrived in Johannesburg. If permits can be secured for all of them, I will pay £15 per head. This is a fine opportunity for you to earn some money, if you know how to use it.'

Some time in March 1907, an application for a permit was received from one Shaikh Ahmed. [While investigating his claim] Superintendent Vernon discovered that an Indian had offered another £75 for making a false deposition to secure the entry of three Indians.

In May 1907, a person named M. Lala was produced in a court of law. He had offered £8 to Superintendent Vernon for every person who was allowed to enter the Colony with a faked permit. He added that if Superintendent Vernon took up this business, he could make £400 a month and Constable Harris another £200.[1]

Land Rights

On August 17, Lord Elgin told the Transvaal Government that, as suggested by Mr. Cox[2], Indians should be given the right to own land at their places of business, to which the Transvaal Government gave a firm reply in the negative.

De Villiers's Note on Immigration Act

Mr. De Villiers, Attorney-General of the Transvaal, comments as follows:[3]

> Till now, the restrictions on the entry of persons [into the Transvaal] were enforced by means of the permit system [under the Peace Preservation Ordinance] which was administered through the office of the High Commissioner. After the granting of self-rule to the Transvaal, the High Commissioner refused to carry on with the administration of the Ordinance. The need was felt therefore of passing an immigration Act on the lines of the Acts of Natal and the Cape Colony. The term 'prohibited immigrants' includes those Indians to whom the Asiatic Registration Act is also applicable, that is, even those who possess knowledge of a European language. In the same manner, those Asiatics who have temporarily left the Colony in order to evade compliance with that Act are also covered by the term 'prohibited immigrants'. That means that only those Asiatics who are in the Colony and who have complied with the provisions of the new Asiatic Act can remain in the Transvaal. Besides, section 6 confers authority [on the Government] to deport those Indians who refuse to obey the law. It

[1] *Vide* Vol. VII, pp. 12-3.

[2] Harold Cox (1859-1936); Professor of Mathematics, Mohammedan Anglo-Oriental College, Aligarh, 1885-7; economist and journalist; Member of Parliament, 1906-9. *Vide* also Vol. VI.

[3] The translation that follows has been collated with the English original in *Indian Opinion*, 7-3-1908.

is considered necessary to confer such authority, for the Asiatic population has openly declared its intention of defying the law. It is the Government's intention therefore to deport, at any rate, the ringleaders of the agitation, and so avoid the expense and inconvenience incurred in maintaining them in the prisons of the Colony. The power conferred will be used by the Government with great discretion.

Lord Elgin's Letter to Morley

Lord Elgin shows little concern for the interests of Indians whom he treats as cowardly, timid and deserving of slavery. Forwarding a letter from the South Africa British Indian Committee to Mr. Morley, he writes:[1]

> Lord Elgin requests to be favoured with the views of Mr. Morley with regard to section 2(4) and section 6(c). The practical effect of section 2(4) will be to prevent further immigration into the Transvaal of British Indian or other Asiatics. As Mr. Morley is aware, His Majesty's Government have practically limited themselves to endeavouring to secure more favourable treatment for those Asiatics who have already acquired a right to reside in the Colony, and have not raised objections to similar legislation in other Colonies. He wishes to draw Mr. Morley's attention to Mr. Lyttelton's earlier despatch and adds that he does not therefore propose to raise any objection to that section [2(4)].[2] Section 6(c) must be considered in connection with the recent Asiatic Law Amendment Act. Under that Act, Asiatics failing to register may be ordered to leave the Colony; and failure to comply with such an order is punishable by imprisonment. The object of this section is to enable the Government to deport Asiatics who fail to register under the Asiatic Registration Act. While the Colonial Secretary feels that the free exercise of so drastic a power is greatly to be deprecated, he doubts whether His Majesty's Government can consistently object to a provision the object of which is to enable the Colonial Government to enforce the observance of the Asiatic Registration Act, which His Majesty's Government have allowed to become law, and to which the British Indian community appears at present to be disposed to offer an organized resistance. He therefore proposes, subject to any representation which Mr. Morley may wish to make, to accept this provision also. Lord Elgin feels that

[1] The translation that follows has been collated with the English original in *Indian Opinion*, 7-3-1908.

[2] "Because," the English original goes on to say, "in the interests of the British Indians themselves, it is probably desirable, in view of the state of Colonial feeling, that further immigration should be restricted".

it will be necessary to press for some amendment of section 6(b) of the Act (which does not especially concern British Indian subjects) and he is accordingly communicating with the Foreign Office.

What This Means

Lord Elgin's letter is a very disappointing one. His interpretation of the Act makes it much harsher than the Acts of the Cape Colony or Natal. Under the Acts of the Cape Colony and Natal, Indians with some knowledge of English are considered eligible, but under the Transvaal Act there is an implied restriction on [the immigration of] such Indians. In spite of this, Lord Elgin asserts that there is nothing new in the Act. Besides, section 6(c) relates to deportation of Indians in particular, and this also Lord Elgin appears to approve. It follows from this that, if Indians refused to obey a particular law, Lord Elgin would assent to any measure, including the death penalty, to enforce submission to that law. Where there is a question of complications with foreign governments, Lord Elgin wants amendment of the section concerned, and he has already obtained an assurance from General Smuts about this amendment. How can anyone assert, after reading Lord Elgin's letter, that the Indian community would not have been utterly ruined if it had not put up a fight, relying on God and its own strength. Look at the concern he feels for subjects of foreign governments. There is a saying among us, "Where there is no fear, there is no love". We do not believe that this is true on all occasions, but it is certainly true in Lord Elgin's case.

Lord Elgin's Letter to Foreign Office

Lord Elgin requests to be favoured with the views of Sir Edward Grey with regard to section 6(b). This sub-section empowers the Colonial Government to remove from the Colony any person whom it deems dangerous to the peace, order and good government of the Colony. It appears to confer a dangerously wide power over British subjects as well as over foreign subjects. It is true that such power has been conferred in British Bechuanaland and elsewhere, where the laws in question were passed under abnormal conditions and at the end of a war. No precedent exists for such legislation in a Colony under responsible government. The Privy Council has also objected strongly to such measures. Also, the Peace Preservation Ordinance did not confer powers for summary expulsion of anyone. Furthermore, the late President Kruger's Government had passed a law for the expulsion of aliens, which His Majesty's Government got repealed. Lord Elgin is therefore disposed to make the non-disallowance of the Act conditional on the amendment of this section.

Comment

What a difference between this letter and the one addressed to Mr. Morley! If Lord Elgin had been afraid of the Indian community, he would have advanced much stronger arguments in its favour. For example, if it is true that the Imperial Government had protested against President Kruger's law of 1896, it protested even more vigorously about the status of the Indian community [under that regime]. How, then, can the Government now enact laws which it could not do in President Kruger's time? The reply to this has been given above. Since the Indian community is without any influence, why should Lord Elgin care for it?

Morley's Reply[1]

Mr. Morley regrets that he does not agree with the view that the Act in question is similar to the legislation in other Colonies. He does not object to education tests which obtain in other Colonies. But section 2(4) introduces a principle to which no parallel can be found in previous legislation. This clause perpetuates an arrangement introduced in very special circumstances and will debar from entry into the Transvaal even such Indians as have received education in Europe. Furthermore, British Indians who had before 1902 acquired domicile in the Transvaal may also be debarred. But they[2] recognize that the Imperial Government must decide the question by considerations other than the interests of British Indian subjects. If the Asiatic Registration Act of 1907 preserves the rights possessed by Indians under the Peace Preservation Ordinance, 1903, they do not desire to offer criticism on the details of the Immigrants' Restriction Bill. In view of the earlier history of the question, Mr. Morley considers it necessary to accept the sub-sections of sections 2 and 6. Since the Asiatic Registration Act has received [Royal] sanction, the Transvaal Government must be granted the additional powers it requires to enforce that Act. But the effect of section 4[3] will be to exclude perpetually all British Indian subjects, however high their social status or educational attainments. The Act is therefore harsher than similar laws in other Colonies. It is true that under the Act of 1907 temporary permits may be granted. Mr. Morley presumes that this power will be used to facilitate the entry of prominent

[1] This is in reply to Lord Elgin's letter above.

[2] The Government of India, whose views on the question are quoted in the letter for Lord Elgin's information

[3] This is an error for "2(4)".

Indians. But he thinks it necessary to obtain a definite assurance from the Transvaal Government on this point. It is unnecessary to point out to Lord Elgin the unfortunate effect upon public opinion in India which must be produced by the present Bill. When the Act of 1907 was sanctioned, Mr. Morley had not imagined that it would be a permanent measure. He therefore trusts that Lord Elgin will write strongly to the Transvaal Government about subsection 4.

COMMENT

On this Lord Elgin wrote to General Smuts that the Bill would be sanctioned if an assurance was given that permits would be granted to [Indian] chiefs and other [prominent] persons and if the section dealing with the deportation of aliens was suitably amended. The Transvaal Government agreed to this, and Lord Elgin put his signature on the Bill.

The Blue book gives a full account of the case of Ram Sundar. As for land rights, the Transvaal Government told Lord Elgin plainly that no such rights would be granted. However, we are equally emphatic that the Indian community will enjoy land rights as well in a few years if Indians do not prove to be self-seeking and conduct themselves in a manner worthy of their tradition.

[From Gujarati]
Indian Opinion, 7-3-1908

58. WHEREIN LIES VICTORY

We have been assured that the law will be annulled, and [the principle of] voluntary registration has been accepted. That this is a victory, everyone will grant. But in this article we want to approach the question from a rather different point of view. On reflection we find that in this world what people take to be success is in most cases not real success. Sometimes that may signify failure rather than success. We do not exaggerate when we say this. If someone sets out from home with the intention of committing a robbery, and after much effort gains his end, it may be a success from his point of view. On second thoughts we realize that his success was in fact a defeat for him. If he had failed, that would have been true success. This is an obvious example, for it is easy to understand in this context. There are hundreds of occasions in a man's life when he is unable to distinguish easily between right and wrong. It is therefore difficult to determine whether the achievement of one's aim is truly failure or triumph. It follows from this that success and failure do not essentially depend on the result. Besides, the result is not in one's hands. Whenever success makes a man

vain, he behaves like the fly on the wheel which imagines that it is making the wheel go round. Man's duty is to do the best he can in a given situation. What he achieves then will, in fact, be true success. The physician's duty is not to save the patient, for that does not lie in his hands, but to use all his skill in a sincere effort to save him. If he does that, he will have succeeded well enough. What happens to the patient —whether he lives or dies—will not detract from, or add to, the physician's success.

We are certain that, if we could have had the law repealed without much effort, that would have satisfied us. But then there would have been no question of victory or defeat. There would have been no occasion for us to take out a procession [in celebration], neither would the Indians' victory be hailed as it is today the world over. This would suggest that the Indians' victory does not lie so much in the expectations that the law will be annulled as in their exertions to bring about that result. Even if the repeal of the law had not come about, the Indians' courage would have been admired in every home. We can call many similar instances to mind. A well-known example occurs to me just now. A handful of Spartans once stood guarding the pass at Thermopylæ and defended it against the enemy to the last man.[1] In the end the pass was taken by the enemy. But the world knows today that it was the brave Spartans who won. Even today, if anyone in Europe shows great courage, it is referred to as Spartan courage. As for the Indians, though we cannot claim that they did all they ought to have done, they nevertheless did much. They did exert themselves and to that extent we look upon the result, such as it has been, as a triumph. The Indian community, it must be noted, will have to go on fighting indefinitely in this spirit. For we here want a great many things. We want [to own] land; we want to be free to ride in carriages. To achieve all this, we shall have to exert ourselves as strenuously as we did on this occasion. If we do, it is easy to see that every step forward is in itself a victory. For we will be doing our duty at every turn. No one will be inflated with success if he looks at it in this light. He will never make a mistake and will not even be concerned about the outcome of his labours, for he will not assume the responsibility [for the result]. The Creator alone must bear that responsibility. It is therefore sheer ignorance for one to be impatient to do things like the dog [under a moving cart] who fancied he was drawing the cart.

[From Gujarati]
Indian Opinion, 7-3-1908

[1] The mention of Thermopylæ soon after he had proposed the building of a Federation Hall (p.118) is significant. This monument to Spartan courage bears an inscription of Leonidas's famous order, "Breakfast here; supper in Hades".

59. GUJARATI EQUIVALENTS FOR PASSIVE RESISTANCE, ETC.

In response to our offer[1] of a prize for the best Gujarati equivalents for certain English words, we have received some entries, almost all of which, we are sorry to say, are useless. Only four persons took the trouble of sending in suggestions, and it would thus appear that our readers take little interest in the language used in *Indian Opinion* or in Gujarati. One of them says that "passive resistance" can be rendered as *pratyupaya.* He explains the word as connoting [the state of] being passive to whatever happens and taking all possible remedial measures. The word and the explanation are both worthless. *Pratyupaya* means counter-measure. Opposing good to evil will then be *pratyupaya,* but so will be the use of force to solve a problem. Passive resistance means resistance of evil with inner force instead of physical force. The explanation offered betrays ignorance. A passive resister cannot remain passive to everything that happens. In other words, he will always pit his inner strength against everything evil. Another equivalent that has been received is *kashtadhin prativartan*[2]. Here the word *prati* is superfluous and suggestive of antipathy. It betrays an ignorance of language. *Kashtadhin vartan* has in it a suggestion of the significance of passive resistance. But it is a big word and does not convey the full meaning. The third term is *dridha pratipaksha*[3]. Like *pratyupaya,* this too cannot be used to convey the meaning we attach to passive resistance. The person who sent in that word has also sent us an equivalent for "civil disobedience". It appears to have been sent in without much thought. The word suggested is *satyanadar.* The meaning here is the contrary. It means "disobedience to truth", that is, resistance to truth.[4] Civil disobedience is disobedience to untruth, and it becomes "civil" if it is "truthful" in its manner. The word [civil] also includes the meaning of passive. We have therefore only one word available to us for the present, and that is *satyagraha.* The person[5] who suggested this word would not like his name published, neither does he want the prize. Not that he means any slight to the

[1] *Vide* Vol. VII, p. 455.

[2] *Prativartan* = resistance; *kashtadhin prativartan* = resistance through submission to hardship

[3] *Dridha pratipaksha* = firmness in resistance

[4] The correspondent may have intended it to mean "truthful disregard" of laws, using સત્ય as an adjective. Literally, however, it could mean, as Gandhiji assumed, "disobedience to truth".

[5] This was Maganlal Gandhi; he had suggested *Sadagraha* as an equivalent for passive resistance, which Gandhiji changed into satyagraha. *Vide Satyagraha in South Africa,* Ch. XII.

prize, but being in a way connected with this paper, he does not want it awarded to himself.

We have made these comments with a purpose. Those who sent in suggestions for the competition ought to have given careful thought to the meanings of the words they coined. It was also necessary for them to understand the meaning of passive resistance. To suggest any word that comes into one's head is an insult to one's language; it is to invite ridicule upon oneself. Moreover by thus acting [thoughtlessly] in this matter of finding an equivalent for passive resistance, we violate the very principle underlying the movement which we have called satyagraha. How can we put up with that? We hope that in future these three competitors, and our other readers as well, will take more pains in their ventures and win recognition both for themselves and for the tasks they undertake.

[From Gujarati]
Indian Opinion, 7-3-1908

60. *JOHANNESBURG LETTER*

REGISTRATION

The Permit Office does not have a moment's respite. No one now hesitates to give his finger-impressions. The number [of registered persons] has already exceeded 4,000. We can confidently hope then that everything will be over soon.

The Pathans have started registering. If they could do that today, they could have as well done it earlier. However, late as it is, they are to be congratulated on having shown wisdom.

SOME LETTERS FROM ENGLAND

When the details of the compromise were published in London, the South Africa British Indian Committee was flooded with letters and telegrams. Mr. Ritch has sent us some of these and we think it worth while to summarize them here.

Sir Charles Bruce[1] writes to say that he was happy to read the cables. The courage and restraint shown by the Indian community deserved admiration. It is rarely, he says, that one comes across anything like this in modern history.

Sir Lepel Griffin congratulates Mr. Ritch and others who stood by the community on the compromise about registration. He refers to the

[1] (1836-1920); Colonial Secretary, Mauritius, 1882; later Governor, 1897-1904; also Lt.-Governor, British Guiana, 1885-93; author of several books on the Empire and Imperial policy

discussion in the House of Lords and points out that the question of equal rights for Indians is pending. In course of time, he believes, the Colonists will realize that the Indian community will not be denied its rights any longer. Meanwhile, he advises Indians to go to East Africa, Uganda, Borneo, New Guinea, Jamaica, Burma and other countries, where they would be welcome.

Dr. Thornton[1], a former judge of the Punjab, says that the wonderful outcome is the result of the Indians' firmness and humility in the face of heavy odds; of the powerful but restrained writing in *Indian Opinion*, of the Indians conducting the campaign in the same spirit [which is in evidence in their writings]. He offers [us all] warm congratulations.

Sir Roper Lethbridge[2], who is the proprietor of the well-known Calcutta paper, *The Englishman*, sent the following telegram: "My warmest congratulations. Compromise reached is honourable to Indian community."

Mr. M. Shakir Ali, Secretary of the London Indian Society, writes:[3]

> The London Indian Society compliments you on what you and your co-workers have achieved in the Transvaal. The people of India will never forget the invaluable work that you have been doing for your fellow-countrymen or the satyagraha movement that you have conducted against the law in the Transvaal. The commendable courage shown by you and your co-workers, the manner in which you have faced hardships and the excellent example that you set by yourself going to gaol are all exceedingly admirable. You have proved that you were fighting for truth and convinced the Imperial Government that, whenever the honour of Indians is at stake, they will fight as one man, however weak and helpless they may otherwise be. Please convey these sentiments of the Society to your fellow-sufferers.

To Intending Immigrants into the Transvaal

I have heard that there are some Indians who are trying, as though they were India's enemies, to enter the Transvaal by unfair means. It is thanks mostly to persons such as these that the Indian community has had to submit to all these tribulations over the past 16 months, and it is such men who will injure the interests of the community again. I urge every thinking person to take notice of all such attempts at unlawful entry into the Transvaal and reason with the persons concerned

[1] Thomas Henry Thornton, C.S.I., (1832-1913); Chief Secretary to the Punjab Government, 1864-76; Acting Foreign Secretary to the Government of India, 1876-7; author of books on India; *vide* also Vol. VI.

[2] *Vide* Vol. VI, p. 149.

[3] The letter was presumably addressed to Gandhiji.

and dissuade them from their evil design. We must remember that we have bound ourselves with the Government to do all this.

A PIECE OF NEWS

I have been informed that those who have already received new registers will get their licences very soon. The persons concerned should act immediately in the matter. Efforts are being made to see that licences are issued to all traders, whether or not they hold registers. I hope to have more news on the subject next week.

[From Gujarati]
Indian Opinion, 7-3-1908

61. *MY EXPERIENCE IN GAOL* [-*I*][1]

Though the imprisonment that the Indian [satyagrahis] and I suffered for a righteous cause was all too brief, I propose to describe my gaol experiences in these columns, having been asked to do so by a number of persons. Also, I think it may be useful to others. It is also my belief that there are many [other] rights that the Indian community is yet to win by courting imprisonment. It is therefore necessary for everyone to have an idea of the hardships of gaol life. Often we imagine hardships where in fact there are none. Clearly, nothing but good can result from a knowledge of the true state of affairs.

After two [earlier] attempts by the Government to arrest and imprison me it happened at last at 2 p.m. on January 10. Before my colleagues and I received our sentences a telegram was received from Pretoria, which reported that the Indians arrested there for not complying with the Act had received [sentences of] three months' hard labour and fines in addition, with a further term of three months' hard labour in default of payment. I was upset by the news, and asked the Magistrate to give me the maximum penalty, but this was not done.[2]

And so we were all awarded two months' simple imprisonment each. Messrs P. K. Naidoo, C. M. Pillay, Karwa, Easton and Fortoen were my fellow-prisoners. The two last named are from China. After the sentence I was detained for a few minutes in the Prisoners' Yard behind the Court. Then I was secretly led to a cab. Many were the thoughts that surged in my mind. Was I to be given a separate cell and treated as a political prisoner? Was I to be isolated from my fellow-prisoners? Was I to be taken out of Johannesburg? These were the

[1] This and the subsequent articles in this series were published as "From Mr. Gandhi".
[2] *Vide* "Trial at Johannesburg", pp. 36-8.

thoughts running through my mind. I was accompanied by a detective, who was apologetic. I told him that he had no reason to be, as he was only doing his duty in taking me to gaol.

All that I had imagined was soon falsified. I was taken to where all prisoners are kept, and was soon joined by my fellow-prisoners. First, all of us were weighed. Then we were asked to give our finger-impressions. After being stripped we were given prison uniforms to wear, consisting of black trousers, a shirt, a jumper, a cap and socks. We were given a bag each to pack away our own clothes in. Before being led off to our ward, we were each given eight ounces of bread. We were then marched off to a prison intended for Kaffirs.

Indians on Par with Kaffirs

There, our garments were stamped with the letter "N", which meant that we were being classed with the Natives. We were all prepared for hardships, but not quite for this experience. We could understand not being classed with the whites, but to be placed on the same level with the Natives seemed too much to put up with. I then felt that Indians had not launched on passive resistance too soon. Here was further proof that the obnoxious law was intended to emasculate the Indians.

It was, however, as well that we were classed with the Natives. It was a welcome opportunity to study the treatment meted out to Natives, their conditions [of life in gaol] and their habits. Looked at from another point of view, it did not seem right to feel bad about being bracketed with them. At the same time, it is indubitably right that Indians should have separate cells. The cells for Kaffirs were adjacent to ours. They used to make a frightful din in their cells as also in the adjoining yard. We were given a separate ward because we were sentenced to simple imprisonment; otherwise we would have been in the same ward [with the Kaffirs]. Indians sentenced to hard labour are in fact kept with the Kaffirs.

Apart from whether or not this implies degradation, I must say it is rather dangerous. Kaffirs are as a rule uncivilized—the convicts even more so. They are troublesome, very dirty and live almost like animals. Each ward contains nearly 50 to 60 of them. They often started rows and fought among themselves. The reader can easily imagine the plight of the poor Indian thrown into such company!

Other Indian Prisoners

Apart from us, there were hardly three or four Indian prisoners in the whole gaol. They were locked up with the Kaffirs and, to that extent, they were worse off than we. However, I noticed that they were quite cheerful and enjoyed better health than when they were outside.

They had earned the favour of the Chief Warder. Being quick at their work and well informed, as compared with the Kaffirs, they were given respectable work to do inside the gaol. That is, they supervised the work on the machines in the store or did similar jobs which were not strenuous or did not seem unclean. They were particularly helpful to us.

WARD

We were kept in a ward[1] which had room for 13 persons. It was labelled "For Coloured Debtors"; that is, for the most part it was used for Coloured persons who were imprisoned for civil offences. For ventilation, the ward had two small windows with a strong iron grilling which, I thought, did not let in enough air. Galvanized iron sheets served for walls with glazed apertures at three places, half an inch in diameter, through which the gaolers could watch the prisoners while remaining unobserved themselves. The ward next to ours had Kaffir prisoners in it. In the wards beyond, there were Kaffirs, Chinese and Cape Boys—all witnesses—who had been locked up in gaol lest they should abscond.

[From Gujarati]
Indian Opinion, 7-3-1908

62. *THE LATE DR. POPE*

The late Dr. G. U. Pope[2], whose biography in *The Times* we reproduce elsewhere, was one of the few Anglo-Indians carrying forward today the traditions of fifty years ago. His erudition and scholarship need no other outward token than the monument of works with which his name will always be associated. There have been few Englishmen for whom the people of Madras should bear greater reverence and deeper respect than Dr. Pope. His example is a shining light to the educated classes of Madras leading them along the path of investigation and explanation so that the world may know something of that great past which only recently was sunk in oblivion, that the treasures of literature, philology, philosophy, and theology may be brought to light, and that the people may receive some indication of their line of growth

[1] It is not clear whether કોટડી, used in this series of articles, refers, in any given context, to a cell or a ward. It would, however, appear that the satyagrahis, about 50 of them, were lodged together in a large room.

[2] George Uglow Pope (1820-1908); did missionary work in South India, 1839-81, and took holy orders in Madras in 1845; University lecturer in Tamil and Telugu at Oxford, 1884-96; author of *First Lessons in Tamil*, *A Handbook of the Ordinary Dialect of the Tamil Language*, *A Textbook of Indian History*, and translations of *Kural* and *Tiruvachagam*.

for the future. The demise of Dr. Pope is a loss to Indian and European scholarship alike. His memory will be ever dear to all who love India and those who have worked for India's enlightenment in a spirit of sympathy for the people among whom they have spent a lifetime of toil.

Indian Opinion, 14-3-1908

63. *THE LATE SIR LEPEL GRIFFIN*

The death of Sir Lepel Henry Griffin removes from the Anglo-Indian world a most interesting figure. Sir Lepel was a long[-] and well-tried administrator. He was a learned man and a good financier. He never broke off his relations with India, and as President of the East India Association, he often appeared before the public in connection with Indian affairs. Sir Lepel rendered the Indian community in South Africa great help by heading the deputation that waited on Lord Elgin. And Sir Lepel never ceased to take interest in the Indian struggle to the end. He allowed himself to be nominated as Vice-President of the South Africa British Indian Committee, and, as such, gave the Committee the benefit of his advice and guidance. We tender to Sir Lepel's family our respectful condolences.

Indian Opinion, 14-3-1908

64. *LICENCES AT ESTCOURT*

The Estcourt appeal deserves to be noted and pondered over.[1] We think the decision of the Court is like rat-bite, which does not disturb

[1] On March 2 and 3, 1908, the Estcourt Local Board met to consider appeals from five Indians against the decision of the Licensing Officer refusing the renewal of their licences for 1908. The Licensing Officer's objections to the renewal of A. M. Patel's licence were that (a) his books had been kept in an unsatisfactory manner and that individual entries were incorrect and (b) the books were not of first entry but were written up from verbal information given by the applicant to the book-keeper. On cross-examination of the Licensing Officer by Colonel Greene, it transpired that (a) he had renewed the appellant's licence the previous year although the books had been kept in an identical manner and (b) he had not given any notice to the applicant that they were to be kept any differently in the future. The alleged errors in accounting, it was also discovered, were those of G.R. Beattie, a European accountant employed by the appellant. Appearing as a witness, Beattie, the Accountant, testified that Hellet, a European shopkeeper, also employed him as book-keeper and that he kept books for him in much the same manner. By a majority of five to one the Board, however, decided that after a notice period of six months Patel was to liquidate his business.

Colonel Greene, counsel for appellants then addressed the Board. "...the [other] shopkeepers kept note of their transactions in Gujarati and their book-keeper

one in sleep. By granting a little respite, however, it is likely to lull the Indians into a false sense of security. If that should be the result, the decision of the Court will prove harmful to the interests of the Indian community. On the other hand, it is possible that this same decision may turn out to be advantageous to us. The community must avail itself of the interregnum to press forward with its efforts to meet the situation. The time will then have been put to good use. Colonel Greene's powerful address had no effect on the Court, which shows that the object of the Court is to see the Indians driven out of Estcourt, bag and baggage. His address to the Court leads one to expect that he will also help the Indian cause in Parliament. Whether or not he does so, the duty of the Indian community is clear. It is necessary that this question should be taken up for strong agitation in England. A petition should be addressed to the Imperial Government. The speeches of Lord Ampthill and Lord Curzon[1] in the House of Lords, which we summarized last week, show that they have grasped the point of the Transvaal campaign. It was hinted that the situation resulting from this should be turned to account for finding a solution of the Natal problem; the hint ought to be followed up. If in the result we get no redress, we should decide to resort to satyagraha.

[From Gujarati]
Indian Opinion, 14-3-1908

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ascertained from them their cash sales and counted up their totals for each day. The books were perfectly well kept, indeed remarkably well kept." He added that they were satisfied that the rough books which were kept in Gujarati were not part of the usual books of account kept by a merchant, and they came to this decision after hearing the expert evidence of two well-known accountants. They were further satisfied that the Gujarati books had been kept at the special instigation of the previous Licensing Officer and that he had been satisfied with their method of keeping these books. Under those circumstances he thought the appeals should very properly be allowed.

Colonel Greene had concluded an earlier address to the Board saying, "It had never been intended by the law that any dirty work of this sort should be done by a Local Board of this sort and upon my soul if you refuse this application, I think it will make us all feel like worms." The Local Board ordered the conditional renewal of two of the five licences.

[1] George Nathaniel Curzon of Kedleston, 1st Marquess (1859-1925); Under-Secretary of State for India, 1891-2; Viceroy and Governor-General of India, 1899-1905; Secretary of State for Foreign Affairs, 1919-24; author of *British Government in India*, *Problems of the Far East* and other books

65. *MY EXPERIENCE IN GAOL*[-*II*]

In front of the cell[s] there was a small yard in which we could move about during the day. It was [however] too small for the purpose. There is a rule that prisoners in this ward may not go out of the enclosed space without permission, since the bath, urinals and latrines are all located within the yard. For bathing there were two large stone basins and two spouts which served for a shower. There were buckets for defecation and two more for urine. There was no provision for privacy in the bath or latrine. Also, the Gaol Regulations forbade the provision of separate latrines which would allow the prisoners privacy. It often happened, therefore, that two or three prisoners sat down in a row. The arrangements for bathing were similar. The buckets for urine, too, stood in the open. This may well cause a feeling of revulsion; some would be offended by it. But on reflection one realizes that a gaol cannot provide for privacy and that no feeling of shame should attach to the performing of these functions in public. It is, therefore, necessary patiently to form the required habits without being squeamish or annoyed at the public nature of these arrangements.

For sleeping, there were hard wooden planks [mounted on] legs only three inches high. Each prisoner had two rugs, a small pillow and a coir mat large enough to roll them up in. Sometimes three rugs were allowed to a prisoner but only as a favour. Some were put out at the thought of [sleeping on] a hard bench. Those used to soft mattresses cannot easily take to hard bedding. According to medical science, hard bedding is to be preferred. If we, therefore, adopt the practice of using hard bedding at home, we will not find it difficult to get used to the kind of bedding available in gaol. A bucket of water was provided in the cell, and another bucket placed on a large tray served for a chamber-pot, for no prisoner was allowed to leave the cell at night. Everyone was provided, according to his needs, with a little soap, a homespun towel and a wooden spoon.

Sanitation

I must say that sanitation in the gaol was excellent. Every day, the floor of the cell was washed with a disinfectant and the edges of the floor [skirting the wall] lime-washed. The cell therefore always looked fresh. The bathroom and the commodes were also washed with soap and disinfectant. I believe, I am myself very particular about sanitation. Therefore, when, towards the end, a large number of our people joined us, I myself used to wash the commodes with disinfectant

fluid. To remove the stool, a few Chinese prisoners turned up every morning at nine o'clock. Afterwards, whenever it was necessary to clean up or wash, we had to do it ourselves. The planks of the beds were washed every day with sand and water. The only inconvenience was that, as it happened, the pillows and rugs changed hands among the hundreds of prisoners. Though there was a rule that required the rugs to be aired in the sun every day, it was hardly ever observed.

Some Rules

There are some gaol rules which everyone should know. The prisoners are locked up at half-past five in the afternoon. They read or converse in the cell up to eight in the evening. At eight, everyone must go to bed, meaning that even if one cannot sleep, one must get into bed. Talking among prisoners after eight constitutes a breach of Gaol Regulations. The Kaffir prisoners do not observe this rule too strictly. The warders on night duty, therefore, try to silence them by knocking against the walls with their truncheons and shouting, "*Thula! thula!*" Prisoners are strictly forbidden to smoke—a rule which is enforced scrupulously. But I saw that the confirmed smokers among the prisoners broke the rule on the sly. A bell is rung at half-past five in the morning to wake up the prisoners. Everyone must then get up, roll up his bedding and wash. The door of the cell is opened at six when each prisoner must stand up with his arms crossed and his bedding rolled up beside him. A sentry then calls the roll. By a similar rule, every prisoner is required to stand beside his bed, while he is being locked up [at night]. The prisoners may not have anything else in their possession except what is given them by the gaol authorities. Except clothes, they are forbidden to keep anything without the Governor's permission. One of the buttons on every prisoner's shirt has sewn on to it a small pocket which contains a card bearing his number, his name, the particulars of his sentence, etc. Normally the prisoners may not stay in the cell during the day. Those sentenced to hard labour cannot do so in any case, since they are engaged in their work, but even the others are not allowed to stay in. They must remain in the yard outside the cell. The Governor had allowed us a table and two benches in the ward, and these were very useful.

There is a rule that every prisoner sentenced to two months [or more] must have his hair cropped close and the moustache shaved off. In the case of Indians the rule is not enforced rigorously. Should a prisoner object, his moustache is spared. In this connection I had an amusing experience. I knew very well that prisoners had to have their hair cropped. I also knew that the rule about having the prisoner's hair and moustache removed was really for his own convenience and not to humiliate him. Personally, I believe that it is a very useful rule.

In gaol there are no combs or other means for keeping the hair tidy. If the hair is not groomed, there is the risk of scabies. On hot days, hair makes one feel extremely uncomfortable. Moreover, the prisoners are not given a looking-glass. There is the danger, therefore, of the moustache remaining unclean. As there is no serviette for use at meals and the wooden spoon is rather awkward to handle, food is apt to stick in the moustache. It was my intention to go through all the experiences of a prisoner. I therefore asked the Chief Warder to have my hair cropped and my moustache shaved off. He told me the Governor had strictly forbidden that. I said, I knew that he did not wish to force me [to observe this rule], but that I myself wanted it. He suggested that I might apply to the Governor. The next day, permission was received from him. But he said that, since two days out of my two-month period had elapsed, he had now no right to order the cropping of my hair and moustache. I said, I knew the rule but wanted this of my own free will and for my own convenience. He smilingly demurred. I learnt later that the Governor had felt a little apprehensive. So I offered to state in writing that I had myself requested the cropping [of my hair]. This allayed the Governor's suspicion, and he ordered the Chief Warder to give me clippers and a pair of scissors. My fellow-prisoner, Mr. P. K. Naidoo, was a master of the tonsorial art. I, too, know something of it. When the others saw me cropping my hair and moustache, they saw the point of it, and followed suit. Some of them had only their hair cropped. Mr. Naidoo and I, between us, spent two hours each day clipping the Indians' hair. I believe, this made for better health and convenience. The prisoners looked the smarter for it. The use of the razor is strictly forbidden in gaol. Only clippers and scissors are allowed.

Inspection

When the officials come to inspect the prisoners, the latter have all to line up. As the official approaches, they must take off their caps and salute him. All the prisoners wore caps, and it was not difficult to take them off, for there was a rule that they must be taken off, and this was only proper. The order to line up was given by shouting the command "fall in" whenever an official came. The words "fall in" therefore became our daily diet. They meant that the prisoners should fall in line and stand to attention. This happened four or five times a day. One of these officials, who bore the designation of Assistant Chief Warder, was somewhat strict. The Indian prisoners therefore nicknamed him "General Smuts". He often came early in the morning, and sometimes in the afternoon as well. The doctor came at half-past nine. He appeared to be a kind and well-meaning person. He made

67. LETTER TO F. H. TATHAM

[JOHANNESBURG,]
March 14, 1908

F. H. TATHAM, ESQ.
ADVOCATE
PIETERMARITZBURG

DEAR SIR,

I understand that you have been retained by Mr. Labistour in connection with a certain case pending before the Supreme Court against Budrea and others. Mr. Budrea is an old client of mine. I held his General Power of Attorney also during his absence, and he wanted me to explain the case to him. I shall, therefore, be obliged if you will kindly let me have the papers[1], so that I may know what the case is about. I shall return the papers immediately after perusal.

Yours faithfully,

From the typewritten office copy: S. N. 4799

68. LETTER TO C. A. DE R. LABISTOUR

[JOHANNESBURG,]
March 18, 1908

C. A. DE R. LABISTOUR, ESQ.
SOLICITOR
DUNDEE

SIR,

Re. Budrea and Others and Vawda & Co.

I have to thank you for the telegram you were good enough to send me at Phœnix regarding this matter. I applied to Mr. Tatham for a loan of the papers in this matter, as I want to explain the position to Budrea, whose General Power of Attorney, as you know, I held during his absence. Mr. Tatham, as you will see from the letter herewith, refers me to you. Will you kindly, therefore, let me have the papers, which I shall return immediately after perusal.

Yours faithfully,

From the typewritten office copy: S. N. 4800

[1] Plaint and defendant's plea; *vide* S. N. 4797.

69. *MY GAOL EXPERIENCES* [-II]

Change in the Diet

On the 14th of January came Messrs Thambi Naidoo and Quinn. That, however, did not affect the situation much, as they were quite willing to rough it, but on the 18th, fourteen more came. With the exception of one, these were hawkers who were sentenced to pay two pounds' fine or to suffer fourteen days' imprisonment. It was not possible to expect these men to accommodate themselves all of a sudden to a diet to which they were never used. Consequently it was a matter of grave anxiety. It was duly brought to the notice of the Governor who professed helplessness by regulation. He was quite willing to respect any religious objections but where it was a matter merely of likes and dislikes, he could not help. Prison life was prison life and people's tastes could not be respected. All this would be true, if it were merely a matter of tastes. Unfortunately it was a matter of habit. And the scale having been fixed without due regard for national habits of Asiatics, the system broke down under the stress. Just as it would be foolish for Indians to expect national food adjuncts, such as curries, etc., it was foolish for the authorities to have prescribed a diet—however nutritious it might be medically—that was unsuitable for Indians. Boiled beef or mutton would be just as useless for Indians as mealie pap. They could live on wheaten and rice preparations, no matter how simple they might be. But they could not live on what might be African delicacies. So that the new batch of prisoners faced starvation. They went without breakfast. And rice they received for dinner, i.e., four ounces with one ounce of ghee—insufficient as it was even with the breakfast—was much more so for people who broke their fast on the above quantity of rice.

A Petition in Prison

The following petition[1] was, therefore, forwarded through the Governor to the Director of Prisons.

Owing to the arrival, as stated at the foot of the petition, of about seventy more passive resisters, I requested the Governor either to telegraph or to telephone its contents and to apply for prompt instructions. This he kindly did and orders were given immediately, pending further consideration, to replace mealie pap for breakfast by four ounces of bread and to do the same thing for supper by issuing eight ounces of

[1] For the text, *vide* "Petition to Director of Prisons", pp. 39-40.

bread. Whilst the matter was being further considered, the compromise supervened and we were all discharged.

A Contrast

Yet it must be clear to the reader that this question of food for Asiatic prisoners is too important to be given up. It is only because there are ordinarily very few Indian prisoners in the Transvaal gaols that the matter has not attracted attention before now. The change ordered by the Director removed the most pressing grievance. But four ounces of bread even for non-labour prisoners is a mere morsel. And although the medical officer stated that the addition of cocoa or butter or *dholl* would be considered a relish and therefore not allowed as a prison diet, I venture to think that some such addition is absolutely necessary to make bread eatable. Now let us for a moment glance at the scale for non-labour European prisoners. They get for breakfast one pint of porridge and four ounces of bread; for dinner eight ounces of bread daily, together with meat or soup or beans, potatoes or vegetables; for supper they get eight ounces of bread and one pint of porridge. I understand that they also get cocoa or some such drink. Now it does not seem clear why the Europeans should get porridge *and* four ounces of bread whereas Indians should get four ounces of bread *in place of* porridge. Have the former a greater appetite than Indians? Then again, why should Indians get only twelve ounces of beans when Europeans get the same quantity of beans *and* eight ounces of bread? This is an anomaly which is most difficult to understand. It may be possible to reconcile oneself to the Europeans getting a greater variety of superior or more expensive food; but it is not possible to do so with regard to the quantity of foods. It is obvious, therefore, that the Indian dietary needs a great deal of modification. Then again, the fact that the Colonial Secretary never troubled himself about the food provided for men who could not be classed as ordinary prisoners betrays in my opinion callous contempt for the Indian community. In view of the compromise effected, one does not wish to say much on this painful phase of the question.

Indian Opinion, 21-3-1908

Mr. Ritch continues to write his weekly letters, though we do not think there is need to publish them at present. Most of his news, since we already know of it from cables, appears old. In his last letter, however, he has inquired if the Committee is to be continued. We reproduce below a portion of the letter:

> At the meeting on Tuesday, the Committee discussed the question of its future. Lord Ampthill was present. Others who attended were Sir Muncherjee, Mr. T. J. Bennett[1], Sir William Wedderburn[2], Dr. Thornton and Mr. [J. H.] Polak[3].
>
> Lord Ampthill told the Committee that its work had only just begun. Others were also of the view that it would be wrong to wind up the Committee. You must have noticed how Lord Ampthill still persists in his efforts. Some of the members are so enthusiastic about the Committee's work that they want the work continued at any cost. I have been asked by the Committee to ascertain your views in the matter. I need not tell the Association anything about the members and the work they have been doing. Everyone will admit that, once the Committee ceases to function, it will be difficult to revive it. Again, I need not say anything about the problems of the Transvaal and Natal which still await solution. There was a communication from the Natal [Indian] Congress about the harassment of Indians under the [Dealers'] Licenses Act. This is a question of great importance. If it is to be taken up for agitation, the Indian community there, it is hoped, will not mind the spending of some money.
>
> In view of Mrs. Ritch's illness, it is necessary for me to stay on here for at least a few months. She has had to be operated upon a second time. She has been reduced to a state in which she has to have two nurses to attend on her. In the circumstances, I am unable to leave this place. If I can start my own practice here, the Committee will have less to spend on my account. If, in addition, I can have an office for myself, that will save the Committee rent. These are the lines along which I have been thinking.

[1] Of Bennett Coleman & Co., publishers of *The Times of India*, and member of the South Africa British Indian Committee

[2] Member of the Bombay Civil Service; became on retirement Member of Parliament; Chairman of British Committee of Indian National Congress, 1893; President of the Congress, 1910.

[3] Henry Polak's father who took a prominent part in the formation of the South Africa British Indian Committee in London, of which he was also member; *vide* Vol. VI.

> Mr. Jinnah, Bar-at-Law, showed me a telegram from Mr. Mahomed Shah of President Street, which says that about 700 Muslims are displeased with the compromise and that they are determined not to apply for registration. I have suggested to Mr. Jinnah to say in reply that he was happy to learn from the cables that all the people [in the Transvaal] were united. Kindly let me know the correct position.

It is for the Indian community to decide what it wants to do about the Committee. The need to continue the Committee is obvious. Had it not been for Mrs. Ritch's illness, the Committee's expenses would have been much less. It is, however, a matter for some satisfaction that the Committee was able to function as economically as it has done. We believe therefore that all [branch] Associations and individual Indians will try and ensure that the Committee is enabled to continue its work. This will be easy if a large number of persons interest themselves in the question. We hope that every Indian will help in every possible way and all the Associations will express their views.

[From Gujarati]
Indian Opinion, 21-3-1908

71. JOHANNESBURG LETTER

Indians' Dinner to Europeans

The Indian community fulfilled one of its many obligations on Saturday last, the 14th. Some Europeans have helped us a great deal in the satyagraha movement. It was but proper that the community should do something to show its regard for them. It was eventually decided to arrange a banquet and to issue tickets for the purpose. The tickets were to be priced and the proceeds spent on meeting the expenses of the banquet. This would show whether or not the Indian leaders were willing to loosen their purse-strings. The Association would not have to bear the expense, and we would be enabled to come into closer contact with the whites. The suggestion was approved by all. A date was fixed for the banquet. The Masonic Hall was secured through the good offices of Mr. Kallenbach[1], and the Secretary of the Hall

[1] Herman Kallenbach; a prosperous German architect of Johannesburg with "a vein of other-worldliness" who, when challenged to a duel by a Volksrust European for his Indian sympathies, declined, saying that he had "accepted the religion of peace"; himself a satyagrahi, he gave his 1100-acre "Tolstoy Farm" near Johannesburg for the maintenance of satyagrahis' families; taught on his farm carpentry, gardening and sandal-making, the last of which he had learnt at a Trappist monastery; associated in dietetic experiments with Gandhiji who describes him as "a man of strong feelings, wide sympathies and childlike simplicity". *Vide* also *Satyagraha in South Africa* and *Autobiography*.

volunteered to make the necessary arrangements for the banquet. The tickets were priced at two guineas each. The management of the Masonic Hall charged us ten shillings per head, and some money was spent on the printing of cards, etc. The whites invited were Mr. Hosken, Member of Transvaal Parliament, Mr. and Mrs. Phillips, Mr. and Mrs. Doke, Mr. Cartwright, editor of *The* [*Transvaal*] *Leader*, Mr. David Pollock, Mr. and Mrs. Vogl, Mr. Isaac, Mr. Brittlebank, the Rev. Mr. Perry[1], Mr. Kallenbach, Mr. McIntyre[2], Miss Schlesin, Mr. and Mrs. Polak, Mr. Brown[3] and Mr. Proctor, the Reuter agent. Mr. Stent, editor of *Pretoria News*, Mr. Edwards, Mr. Lichtenstein[4], Mr. Lewis, Mr. Hofmeyr[5], and Mr. Howard Pim were among the other invitees. They did not attend, but most of them sent their good wishes for the occasion. Mr. Stent sent a telegram. Mr. Pim, in a letter, expressed regret at not being able to attend owing to other engagements. It was his sincere hope, he added, that our problem would be satisfactorily solved and that the goodwill that existed between the Government and the Indian community would endure. The President of the Chinese Association, Mr. Quinn, was present. There were about 40 Indians at the function.

Mr. Essop Mia presided. Mr. Mia, Mr. Imam Abdool Kadir, Mr. Cama and Mr. Gandhi thanked the whites who had been of help. They were followed by Mr. Hosken, who replied on behalf of the whites. In the course of his speech he said:[6]

> I feel ashamed now to think that in July [1907] I had advised the Indian community to accept the law. I meant well. I felt it would prove to be futile to resist the Boer Government. But Mr. Gandhi told me that they did not depend on human help for their movement. They depended on divine aid. They were sure of help from Him in Whose name they had embarked on the movement. I see his words have come true. The courage shown by the Indian community has won for it increased sympathy from the whites. The Indian community has taught the whites a great deal. I was glad to receive your invitation. Whites and Coloured persons ought to live together amicably. The Indian community deserves praise for the unity, patience and humility it has shown.

Mr. Cartwright said that he was sorry he had not been able to do more. The Indian community, he thought, had gained immensely

[1] Baptist Minister and Pastor of Troyville Baptist Church, Johannesburg

[2] J. W. McIntyre; Scottish Theosophist and solicitor's clerk articled to Gandhiji

[3] F. H. Brown; representative of *The Times of India* in London and a member of the deputations which met Lord Elgin and Morley in connection with Transvaal Asiatic Law Amendment Ordinance in 1906; *vide* Vol. VI.

[4] A Johannesburg lawyer

[5] A Johannesburg lawyer

[6] What follows, however, appears to be a free summary.

in respect through its courage. The example it had set was well worth following.

Mr. Phillips said:

> I associate myself with what Mr. Hosken has said. The Asiatics have shown true faith in God. The Chinese have set a worthy example by donating £105 to an association in aid of the poor among the whites. It is no small matter for the Chinese to have helped the same Association that refuses help to any Coloured person and the very whites who have harassed them so much. I am indeed glad that we have assembled here today in this manner. There are some persons who are afraid that the Government may play foul, but it will be unable to do so now. If it does, a large number of whites will come forward to oppose it.

Mr. Doke said in his speech that satyagraha was a true battle that the Indians had fought. He hoped that they would preserve the good name that they had earned.

Mr. Proctor said:

> Reuter's duty is no more than to disseminate news. If Mr. Polak had not supplied the required information, Reuter would not have been able to do what it did.

He was followed by Mr. D. Pollock who said:

> The Indian community has opened the gates of freedom to the entire Coloured population. It has taught what true Imperialism means. It has, by its work, brought the blacks and the whites closer together.

There was then a brief speech by Mr. Polak, which was followed by *God Save the King*. The meeting then dispersed at 11 p.m.

The menu-card had the following printed on it: "This dinner is arranged as an expression of gratitude to those whites who fought for truth and justice during the satyagraha campaign."

The menu consisted of 24 dishes. Meat being excluded, the courses were so chosen that they would be acceptable to everyone and could be liked equally by the whites and our people. The drinks served were lime juice, soda-water, etc.

It is said that this was the first gathering of its kind in South Africa. The dinner was not publicized so as to avoid needless provocation to the feelings of any whites. It was kept strictly private.

Dinner by Chinese

The Chinese have arranged a meeting on Friday to present addresses, and on the same day, to give a dinner, similar to ours. I shall report it next week.

REGISTRATION OFFICE

Registration will come to an end here and in Pretoria on Friday next. More than 5,000 applications were received in Johannesburg. No one appears to have been left out. The office will open in Pietersburg on the 30th. Some persons have registered at Spelonken. In Germiston, the office will open on the 23rd. Offices have already been set up at Zeerust, Lichtenburg, and Vereeniging. In Zeerust and Lichtenburg the officials, through some misunderstanding, insisted on everyone giving his digit-impressions or filing an affidavit. The Association sent telegrams immediately with the result that proper arrangements have now been made.

LICENCES

Licences are now available without difficulty. Many persons have already got them.

TREACHERY

There are Indians who still furnish wrong information to the Registrar. Names of children are either mis-stated or more names are furnished than there are children. All this will redound to their disadvantage. They should be mindful of what they do.

WOMEN'S FINGER-IMPRESSIONS

In Volksrust, women were asked to give their finger-impressions. However, the matter has now been settled to our satisfaction and finger-impressions of Indian women are no longer asked for.

SUGGESTION ABOUT LICENCES

The Receiver of Revenues has issued a special announcement that Indians will now be granted licences. It is unnecessary even to produce the permit. In spite of this, there are very few traders who have taken out licences. Anyone who does not now take out a licence immediately will be prosecuted for trading without one. It is therefore essential for all Indian businessmen and hawkers to get their licences.

JUSTICE AMEER ALI

The members of the British Indian Association have resolved to send an address to Mr. Justice Ameer Ali, and it will be sent simultaneously with a similar one to Lord Ampthill.

Also, the Hamidia Islamic Society has decided to send addresses by post to persons in all outlying places, who participated in the campaign. I expect to publish the names of persons to whom such letters are sent.

[From Gujarati]

Indian Opinion, 21-3-1908

72. MY EXPERIENCE IN GAOL [-III]

Diet is a subject which most of us have to think about some time or other in our lives. In particular, prisoners' food requires the most careful consideration. Their well-being depends a great deal on a good diet. The rule about food in gaol is that one must accept what is offered and take nothing from any other source. Soldiers, too, must eat what is given them. But there is a great difference between soldiers and prisoners. Friends may send gifts of food to soldiers, which they may accept. Prisoners, on the other hand, are forbidden to accept [gifts of] food. Difficulty in regard to food is one important feature of prison life. Even in casual conversation we hear gaol authorities saying that there can be no question of preferences in gaol. When I met the gaol doctor, I asked that bread should be served with tea or ghee. He replied: "You want to indulge your taste. That is not possible in gaol."

Let us now consider the regulation food in gaol. Indians get the following items of food during the first week: in the morning, twelve ounces of mealie pap without sugar or ghee; for the midday meal, four ounces of rice with an ounce of ghee; in the evening, twelve ounces of mealie pap on four days and boiled beans with salt on three days.

This scale is drawn up on the basis of what the Kaffir prisoners get, with this difference that the Kaffirs are given pounded maize and fat in the evening, instead of which Indians get rice [for their midday meal]. From the second week onward, along with mealie meal, they get boiled potatoes on two days and vegetables, such as cabbage, pumpkin, on the other two. To those who eat it, meat is also served with vegetables every Sunday from the second week onward.

The prisoners who were the first to arrive had decided not to ask for any favours from the Government but to make do with whatever food was allowed them, provided it was acceptable [from the religious standpoint]. In point of fact, the scale described above was neither adequate for Indians nor suited to them. It may be that dietetically the food was sufficiently nutritious. Mealie meal is the staple of Kaffir diet, so that this scale suits them very well and they thrive on it. But nothing except rice is acceptable to Indians; hardly any of them eat mealie pap. Indians are not used to eating beans as a course in itself and do not find the vegetarian dishes [cooked in gaol] agreeable. The vegetables are not washed, neither are they dressed with spices. Moreover, the vegetables served to the Kaffir prisoners consist mostly of the leftovers and peelings from the vegetables cooked for the whites. Nothing except salt is allowed by way of condiment. Of sugar one may not

even dream. Everyone was therefore bothered by the problem of food. Even so, we resolved that as satyagrahis we should not ask for anything from the gaol authorities nor seek a favour. So we carried on with the food described above.

When the Governor enquired [about the amenities], we told him that our food was unsatisfactory, but that we did not wish to ask for a favour from the Government. It was for the Government to consider whether they should make changes. Otherwise, we would make do with whatever the regulations allowed.

This attitude could not be kept up for long. When others joined us, we agreed that it would not be proper for us to compel them to accept this inconvenience as we did. That they had come to gaol was [sacrifice] enough. It would be proper, we thought, to demand from the Government special treatment for these people. To that end we broached the subject with the Governor. We told him that, though we accepted whatever was given to us, those who came after us would not be able to do so. The Governor thought the matter over and answered that he could [permit] cooking to meet any religious scruples, but that the food itself should remain the same. It was not within his power to effect any changes in it.

Meanwhile, as mentioned earlier,[1] 14 other Indians joined us. Some of them plainly refused to eat mealie pap. They starved. I went through the gaol regulations, and discovered that a petition on this subject could be addressed to the Director of Prisons. We therefore asked for the Governor's permission to address a petition, and the following petition[2] was forwarded.

This petition was signed by 21 of us. After it had been signed and was about to be submitted, we were joined by another 76 Indians, who also disliked mealie pap. We therefore added at the end of the petition that the 76 persons who had come in also felt the same difficulty, and that immediate orders should therefore be issued. I requested the Governor to telegraph the contents of this petition. He consented and, after obtaining the permission of the Director on telephone, ordered mealie pap to be replaced by four ounces of bread [for each prisoner]. All of us were happy. From the 22nd, therefore, we got four ounces of bread in the morning, as also in the evening, [that is,] on mealie-pap days. In the evening eight ounces of bread was provided, that is, half a loaf. This arrangement was only provisional, pending further orders. The Governor had meanwhile appointed a committee to go into this

[1] *Vide* "My Experience in Gaol [-II]", p. 142.

[2] This has not been re-translated; for English text, *vide* "Petition to Director of Prisons", pp. 39-40. The last two sentences from it are, however, missing in the Gujarati translation.

question. In the end, it was proposed to allow us flour, ghee, rice and pulses. Nothing further happened and we were released soon after.

When, in the beginning, we were only eight, none of us did any cooking. The rice was not well cooked and in their turn, the green vegetables, too, were cooked badly. Therefore, we also obtained permission to cook our own meals. On the first day, Mr. Karwa offered to cook. He was then replaced by Mr. Thambi Naidoo and Mr. Jivan. During the last few days they cooked for 150 persons and had to cook once a day. Two days in the week, however, that is, on the green-vegetable days, they had to go twice a day [to cook]. Mr. Thambi Naidoo did an admirable job of work, and I looked after the serving.

The readers will observe from the foregoing petition that it is drafted so as to present a case not for preferential treatment for ourselves alone, but for a modification of the food scale for all Indian prisoners. It was in the same light that the matter was placed before the Governor, and he concurred. There is still hope that the ration for Indian prisoners in gaols will be modified.

Moreover, the three Chinese were given something else in place of the rice that we got and were thus the only ones to be refused rice. This caused some heart-burning. It appeared as though the Chinese were being discriminated against as a class inferior to us. I therefore wrote out a petition[1] on their behalf to the Governor and to Mr. Playford. The order was finally passed that the Chinese should get the same food as the Indians.

While on the subject of food, it will be instructive to compare [the Indian] with the European scale. For breakfast, they get porridge with eight ounces of bread. For dinner, again, bread, together with soup or meat with potatoes or green vegetables, and for supper, bread and porridge. That is, Europeans get bread thrice a day, so that it makes no difference whether or not they get porridge. Moreover, they are served either meat or soup as an additional item every day. Over and above these they are given tea or cocoa every afternoon. It is thus clear that both Kaffirs and Europeans get food suited to their tastes. The poor Indians—nobody bothers about them! They cannot get the food they want. If they are given European diet, the whites will feel insulted. In any case, why should the gaol authorities bother to find out the normal Indian fare? There is nothing for it but to let ourselves be classed with the Kaffirs and starve.

That this state of affairs has gone on till today points, in my view, to a deficiency in our satyagraha. Some Indian prisoners get extra food from without surreptitiously. They, therefore, suffer no inconvenience on this account. There are other Indian prisoners who make

[1] Not available

do with whatever they are given, and [afterwards] feel ashamed of mentioning their misfortunes or do not care enough for others [to take up the issue]. People outside remain in the dark [about what happens in gaol]. If we were all devoted to truth and remonstrated whenever there was injustice, we would never have to suffer these inconveniences. If we think more of others than of ourselves, it will be easy to find solutions for these problems.

If it is necessary to find remedies for these problems, it is also necessary to bear another consideration in mind. A prisoner must submit to certain hardships. If there were no hardships, what would be the point of being imprisoned? Those who can control their minds can find happiness even amidst hardships and enjoy being in gaol. Such persons, however, will not forget the hardships [of gaol life], and, for the sake of others, they ought not to. Moreover, we should give up clinging so tenaciously to our customs and habits. Everyone has heard of the saying, "As the country, so the attire". Since we live in South Africa we must accustom ourselves to whatever is wholesome in the food of the people here. Mealie pap, like wheat, is good, simple and cheap food. Neither can it be said to be tasteless. In fact, for some purposes, mealie pap is better than wheat. I also believe that, out of regard for the country in which we live, we must accept the food grown in the soil of that country, provided of course it is not unwholesome. Many whites have mealie pap for breakfast every day because they like it. With milk, sugar or ghee, it can be made palatable. Bearing these considerations in mind, and also because there may be many occasions yet for us to go to gaol, we should all get used to mealie pap. If we do that, eating mealie pap with only salt will not appear so much of an ordeal. There are some habits of ours which we must not hesitate to give up in the interests of our country. The nations which have progressed are those which have given in on inessential matters. The members of the Salvation Army win over the hearts of the people among whom they work by adopting their customs, dress, etc.

[From Gujarati]

Indian Opinion, 21-3-1908

73. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
March 26, 1908

MY DEAR MAGANLAL[1],

I have your letter. I hope you will keep in constant touch with Mr. Polak. I should like to see the cuttings from the Indian newspapers in connection with the compromise. I hope you gave Hassan a treat before he left.[2]

Please tell Mr. Budrea that the money has been rediposited [*sic*], and that the interest has been placed to his credit. I have received the papers regarding the Danhauser property from Mr. Labistour and I am now going through them.[3] I shall then write to Mr. Budrea further in the matter. I do not quite understand what you mean with reference to the £21. Was it received by the Press from Mr. Budrea?

Yours sincerely,

From the typewritten office copy: S. N. 4804

74. FIVE CRORES STARVING

Cables from India report Lord Minto as having said in a speech that, owing to the famine in Central India, five crores of people were faced with the prospect of starvation, and that if no relief was provided, they would simply die off [for want of food-grains]. Is there any Indian who did not shudder at this news or whose heart did not cry out? However, some of us may have felt that there is nothing that we can do from this distance. Others may have thought that, in a situation such as this, they could not have helped matters much even if they had been in India. Since the calamity is the result of a goddess's wrath, they feel helpless. There must also be some who blame this on the British Government. We think that all these persons are wrong. It is a common habit to point to the faults of others and not to see one's

[1] Maganlal Gandhi (1883-1928); second son of Khushalchand Gandhi, Gandhiji's cousin; manager of the Phœnix settlement after Chhaganlal Gandhi's departure for India on his way to England, and later of the Satyagraha Ashram at Sabarmati

[2] The reference is to a farewell party given to Hassan Mia, son of Dawad Mahomed, President of Natal Indian Congress, on the eve of his departure for England. Hassan Mia was leaving for England to study for the bar.

[3] *Vide* "Letter to C. A. De R. Labistour", p. 144.

own. Others' mistakes attract ready attention. Let us, however, go deeper into the question.

We are convinced that, though this condition is undoubtedly the result of divine will, the blame lies with us, our chief fault being that we have very little truth in us. It is generally from experience that the whites accuse us of untruthfulness. Not all of them accuse us out of malice. We are annoyed by the charge. If, instead of feeling annoyed, we look at the matter in the right perspective and ponder over it, we may derive much profit.

The Indians here are not very different from those at home. If we take examples from the Transvaal or Natal, we shall find that untruthfulness is spreading among us. This untruthfulness does us damage. Instead of getting rid of the habit, we fight the Government and inveigh against it. When the Government adopts extreme measures, we are admittedly left with no choice but to fight. But fighting the Government will not by itself bring us happiness.

It is necessary that we fight ourselves. We must overcome this habit of deceitfulness. In our private lives we behave as we do with the Government. The result is that we become cowardly and, in order to cover up our cowardice, we resort to deception and hypocrisy at every turn.

In Natal, we spend any amount of money to obtain trading licences by underhand means, but we will not observe cleanliness, which is the thing necessary. There are very few Indians who deserve trading licences on merits.

In the Transvaal everyone thinks only of self-interest. They must have a permit by fair means or foul. As many children as possible must be brought into the Colony. This avidity [to have all one wants] is, to be sure, a source of evil. These are examples which are easy to follow. Many other instances of falsehood can be cited.

Some readers may wonder what the connection is between fraudulent practice in relation to permits in the Transvaal and trading licences in Natal on the one hand and famine on the other. That we do not perceive this connection is in itself an error.

Our examples are only symptoms of a chronic disease within us. We are sure that, as long as they remain addicted to cheating and deception, Indians will never be rid of their troubles. It would be a great and true help indeed if, instead of sending money from here or being useful in some other way, we reformed ourselves and learnt to be truthful. If the Indians here observe truth in word and deed and behave with courage, that cannot but have some effect in India. Pain in any part of the body is felt by the mind. The healthy condition of a part has a benign effect [on the whole]. Similarly, good or bad actions of individuals have a corresponding effect on a whole people. We believe

this to be a divine law, and if our readers agree that it is so, we think the only real help the kind-hearted among the Indians can render to their country is to take the path of truthfulness immediately after reading the heart-rending account of starvation among five crores of Indians. This is admittedly a difficult step to take. But it is also a very effective one. After a little reflection, anyone will realize that this is the only solution.

[From Gujarati]
Indian Opinion, 28-3-1908

75. *MY EXPERIENCE IN GAOL* [-*IV*]

Patients

It would have been surprising if not one among 150 of us had been taken ill. The first casualty was Samunder Khan. He was ill even when he came to gaol, and so was removed to hospital the day after his arrival. Mr. Karwa had an attack of rheumatism. For some days the doctor treated him with ointment, etc., in the gaol. But later, he, too, was admitted to hospital. Two other prisoners fell sick and were removed to hospital. Since it was hot and the prisoners were exposed to the sun outside, some of them fell sick occasionally. They were treated as well as they could be [in gaol]. Towards the end, Mr. Nawab Khan was also taken ill and, on the day of his release, he had to be helped to walk. He improved after the doctor permitted him to drink milk. However, on the whole, the satyagrahi prisoners kept well.

Lack of Space

I mentioned earlier that our ward could accommodate 51 prisoners. The yard in front had the same capacity. When, towards the end, our number increased beyond 151, we experienced acute inconvenience. The Governor ordered tents to be pitched outside, and some of us were shifted to these. During the last few days, a hundred prisoners had to sleep outside. But they were brought back every morning, with the result that the yard turned out to be too small, and it was with great difficulty that room could be found for all the prisoners. On top of this, when we indulged in our vice of spitting everywhere, there was danger of the place becoming dirty and infected. Fortunately, people were amenable to persuasion and helped keep the yard clean. That is how they managed to avoid illness. Anyone will admit that it was the Government's fault that so many prisoners were confined in so small a space. If the space was insufficient

the Government ought not to have sent so many prisoners [to this gaol]. Had the movement continued, the Government would have found it impossible to accommodate any more.

Reading

I mentioned earlier that the Governor had allowed us a table.[1] We were also given pens and an ink-pot. The gaol has a library which lends books to prisoners. I borrowed some of Carlyle's works and the Bible. From a Chinese interpreter who used to visit the place I borrowed a copy of the Koran in English, Huxley's lectures, Carlyle's biographies of Burns, Johnson and Scott, and Bacon's essays on civil and moral counsel. I also had some books of my own; these included an edition of the *Gita* with a commentary by Manilal Nabhubhai[2], some Tamil books, an Urdu book presented by Maulvi Saheb, the writings of Tolstoy, Ruskin and Socrates[3]. Most of these books I either read [for the first time] or re-read during my stay in gaol. I used to study Tamil regularly. In the morning I read the *Gita* and in the afternoon portions of the Koran. In the evening I used to explain the Bible to Mr. Fortoen, a Chinese Christian. As he wished to learn English, I taught it to him through the Bible. If I was going to serve my full term of two months in gaol, I had intended to complete the translation of one of Carlyle's books and another[4] of Ruskin. I believe these books would have kept me wholly occupied. If I had been awarded an even longer term, not only would I not have found it irksome, but I could have added usefully to my knowledge. I would have been quite contented. I believe that anyone who enjoys reading good books can easily bear to be alone anywhere.

Among my fellow-prisoners, Mr. C. M. Pillay, Mr. Naidoo and a few Chinese were in the habit of reading. Both the Naidoos had started learning Gujarati. During the last days a few books of Gujarati songs arrived, and many of us read these. But I do not call this reading.

Drill

In gaol we cannot spend the whole day reading. Even if it were possible, we know that it is harmful in the long run. We therefore managed, with some difficulty, to obtain the Governor's permission to

[1] *Vide* "My Experience in Gaol [-II]", p. 140.

[2] Manilal Nabhubhai Dwivedi (1858-98); Sanskrit scholar, Gujarati poet, writer and journalist; author of several books on Indian philosophy; attended the Parliament of Religions along with Vivekananda.

[3] Plato's Dialogues evidently, for it must have been about this time that Gandhiji started writing his Gujarati series, "Story of a Soldier of Truth".

[4] *Unto This Last*

learn the [P. T.] drill from the warder. A very kind man, he was only too happy to drill us morning and evening. It did us a lot of good too. If we could have continued it sufficiently long, it would have done us all good. But the warder's work increased with the increase in the number of Indians, and the yard proved too small for the purpose. The drill was, therefore, given up. However, we had Nawab Khan with us, and a drill of sorts was continued under his direction.

We also obtained the Governor's permission to work on the sewing machine. We tried to learn sewing pockets on to prisoners' [uniforms]. Mr. T. Naidoo and Mr. Easton, as they had an aptitude for the work, learnt it very quickly. It took me longer to pick it up. Before I had learnt it properly, there was a sudden increase in the number of prisoners and I had to leave off. The reader can thus see that given the will anyone can transform [even] a desert into a paradise. [Had our imprisonment continued,] we could have thus kept ourselves occupied with some work or the other, and no prisoner would have found his confinement irksome; on the contrary, he would have come out a better-informed and abler man. There have been instances of conscientious men who achieved great things while in gaol. John Bunyan bore up with prison life and wrote *The Pilgrim's Progress*, which proved an immortal work. The British rank it next to the Bible. Mr. Tilak wrote his *Orion* during his nine-month imprisonment in Bombay. Whether we are happy or miserable, whether we become good or bad in gaol or elsewhere depends entirely on our own mental attitudes.

VISITORS

Some Englishmen came to visit us in gaol. As a general rule, no prisoner is allowed visitors during the first month. Thereafter, each prisoner is allowed a visitor once a month, who must come on a Sunday.[1] The rule is relaxable in special circumstances. Mr. Phillips took advantage of this provision. The day after our arrival, he sought, and was granted, permission to visit Mr. Fortoen, the Chinese Christian. He also met the rest of us. He spoke a word of cheer to each of us, and then prayed, as was his wont. He managed to see us thrice. Another clergyman, Rev. Davis, also took advantage of the same provision to visit us.

By special permission Mr. Polak and Mr. Cohen[2], too, came to see us once. He[3] was permitted to come only about [my] office work. The

[1] It is not clear from the Gujarati whether a prisoner was allowed only one visitor a month or whether it was the visitor who might not meet more than one prisoner during a visit.

[2] Ritch's father-in-law

[3] Polak

warder is always present during a visit and all conversation must take place in his presence.

Mr. Cartwright, the editor of *The Transvaal Leader*, came thrice—by special permission each time. He came only with the object of bringing about a settlement. He was therefore permitted to see us in private [that is, without the warder being present]. At his first meeting he formed an impression of what the Indian community would accept. On the next occasion he brought with him the draft which he and other prominent Englishmen had prepared. After some alterations, it was signed by Mr. Quinn, Mr. Naidoo and myself. This letter and the compromise having been dealt with at length elsewhere,[1] no more need be said about them here.

The Chief Magistrate, Mr. Playford, also visited us once. He was entitled to come at will. And it was not especially to see us that he came. But it is believed that he found time to come because we were all in gaol.

Religious Instruction

It is now the practice in all western countries to provide religious instruction for prisoners. Accordingly, the Johannesburg Gaol has a chapel for Christians. But only white prisoners are allowed to worship there. I asked for special permission for myself and Mr. Fortoen, but I was told by the Governor that the church was open only to white Christians. They go to church every Sunday. They listen to sermons from clergymen of different denominations by turns. Some clergymen obtain special permission to preach to the Kaffirs too. They have, however, no chapel of their own. They therefore sit in the gaol compound. The Jews have a rabbi to visit them.

But there is no corresponding arrangement for Hindus or Muslims. But then, there are not many Indian prisoners. All the same, it is rather humiliating that the religious needs of the Indian community should be ignored in gaol. Leaders of the two communities should give thought to this matter and arrange for instruction in both religions even if there should be only one Indian [in gaol]. The Maulvis and Hindu priests chosen for this work should be sincere men, otherwise their instruction is likely to be something of an infliction.

Conclusion

Much of what is worth knowing [about gaol life] has been discussed. It is necessary to give further thought to the fact of Indians being classed with Kaffirs in gaol. White prisoners are given a small bed each, a tooth-brush and, in addition to a towel, a handkerchief.

[1] *Vide* "Johannesburg Letter", pp. 65-75.

We must ask to know why Indian prisoners also may not have these things.

One should not feel that these things are not worth bothering about. As the saying goes, drop by drop the lake fills. Similarly little things enhance or lower our prestige in the eyes of others. We read in the book *Arab Wisdom* that he who enjoys no respect has no religion.[1] It is by defending their honour over a long period of time that nations achieve greatness. Honour does not mean arrogance; real honour consists in a state of mind that does not countenance the loss of a right, and in action flowing from such a state of mind. He alone can attain to such honour who really trusts—depends on—God. I am convinced that it is impossible for a man without sincere faith to discern the truth in every situation and act on it.

[From Gujarati]

Indian Opinion, 28-3-1908

76. *JOHANNESBURG LETTER*

Chinese Meeting

The Chinese have done something remarkable. They have surpassed us in unity, cleanliness, culture and generosity.

On Friday, the 20th, they sent out two sorts of invitations. One was to a function where addresses were to be presented to those who had helped their cause. The other was to a dinner. The [first] function was scheduled for three o'clock. It was in their own hall. Invitations were sent to Englishmen and a few Indians. Their hall is incomparably superior to ours. It was elegantly decorated. At the function a noble tribute was paid to Mr. Phillips in an address which carried beautiful drawings. It thanked him for his exertions.

Another address was presented to Mr. Doke. He was thanked for his work and for looking after Mr. Gandhi. Mrs. Doke was presented with a beautiful oaken desk, also for looking after Mr. Gandhi. Mr. Cartwright was given a gold watch costing £27. Mr. David Pollock was given a purse of £20. Mr. Polak was presented with an address in which he was thanked for the excellent work he had done for the community. It said:

> We cannot measure your work in terms of money. Though you consider the satisfaction your derive to be sufficient reward, we hope you will accept what we think is our duty to offer you and to Mrs. Polak.

[1] *Vide* also Vol. VII, p. 458.

Mr. Doke spoke in the same strain. He was followed by Mr. Cartwright and Mr. Polak. Mr. Polak said:

This struggle has been profitable to every Asiatic. I think the credit for defeating the Boer Government should really go to the Asiatics.

Mr. Gandhi said:

It would be a good thing for the Asiatics not to be flattered by these compliments. There are yet many tasks ahead. If we fail in these, there will be a set-back. It is necessary we maintain the utmost courtesy, humility and truth. We cannot do so unless we are pure in our hearts.

Mr. Essop Mia said in his speech:

The Chinese have outdone the Indians. In many respects they have excelled them. It was a good thing that the Indians and the Chinese presented a united front during the campaign. I was very near being disillusioned with British rule. But I see now that justice is done under it, if those who want justice are diligent and have a genuine case.

The meeting dispersed at eleven after *God Save the King*.

Education in Krugersdorp

In Krugersdorp there is a school for Coloured children to which some Cape Coloureds go. Indians do not either go to this school at all, or very few of them do. In view of this, there is a danger of the Government closing it down. Indian parents who have children of school-going age should therefore send them there. I advise Indian parents to avail themselves of the facilities provided by it, following the [Gujarati] maxim: "It is better to have an uncle who squints than none at all." I am told that some Madrasi boys go to this school.

About Licences

I wrote about licences last time. The Association has since received a telegram from the Receiver at Pretoria, saying that so far very few Indians have taken out licences and that, if they do not do so immediately, those without licences will be prosecuted. Because of our success in the campaign, some Indians appear to think that nothing can happen to them now. If there are really any persons who argue in this manner they make a great mistake and will do the community harm. Whatever we are able to do now is in virtue of our good reputation. Once we lose that reputation, we shall lose all that we have won. Those who wish well to the community ought to bear this in mind and to explain it to others. Even about thumb-impressions, the complaints continue. Some people appear to think that they can be exempted

facts and not merely relied upon what Goordeen might have had to say, because, in his enthusiasm, he might have made some mis-statements.

Yours faithfully,

From the typewritten office copy: S. N. 4805

79. *LETTER TO MAGANLAL GANDHI*

[JOHANNESBURG,]
March 28, 1908

MY DEAR MAGANLAL,

Please tell Mr. Budrea I have gone through his papers most carefully. I have read the agreement that was signed by Mr. Anderson from Newcastle. I have read the reply to Vawda's summons. There are two things which certainly should give Mr. Budrea complete success. Paragraphs 6 and 7 of the reply state that the land wanted by Vawda is not the land described in the contract, and that the land surveyed by the surveyor includes land which is not covered by the contract, according to which the summons is issued. If these two things can be proved, Mr. Budrea must win, but I am very much afraid that there may be some mistake in the reply given. He must, therefore, be very careful, because, if he loses, the action in the Supreme Court will cost him probably £100 or more. The Solicitor at Dundee, Mr. Labistour, has sent me the papers. He is very hopeful, but I should myself like to be absolutely certain that the land required by Vawda is not the land described in the contract. You must therefore have every emphatic and conclusive evidence regarding it. You should explain this letter to Mr. Budrea thoroughly. If he wants to put more questions, I am in a position now to answer them, because I have all the papers, I think, before me and, what is more, I have studied them. Please also tell Mr. Budrea that after the last account that was rendered to him and about which he said something, I have not charged any fees at all, and I am not charging any fees without his concurrence with reference to the work I am now doing. Please ask him what his own opinion is in the matter, and whether I should charge a fee. Tell him, that although it is not the usual thing, I wish to be guided entirely by him in the matter of fees, as he has reposed so complete [a] trust in me.

You may leave this letter at Mr. Jitanmia's, if you do not find Mr. Budrea.

Yours sincerely,

From the typewritten office copy: S. N. 4806

We should therefore consider what measures to be adopted to counter [the influence of] Lord Selborne's ideas. The remedy, we believe, lies in our own hands. We find that in this world we generally get what we demand and deserve. If we really want to settle in diverse regions of the world and prosper, we shall find the necessary means. Three measures appear imperative: (1) that every Indian should faithfully follow his religion; (2) that Hindus and Muslims should remain united; and (3) that Indians should acquire the right kind of education.

If the first condition is realized, the remaining two will be fulfilled as a matter of course. We believe all the great religions of the world to be true. If, therefore, every community follows its religion diligently, it will come to have faith in and consequently to cherish nothing but truth. If we practise our own religion in its proper spirit, we shall not squabble among ourselves, but remain united. Furthermore, those who would follow the path of religion sincerely cannot choose to remain uneducated and ignorant. They will find it impossible to remain idle and, if there is no idleness, everyone, whether child or adult, will be busy learning.

We invite the attention of every Indian to these thoughts. We are living through times which enjoin us to be alert and wide awake.

[From Gujarati]
Indian Opinion, 4-4-1908

81. NATAL INDIANS

An attack on the Natal Indians is imminent. There are some who want that no trading licences should be given them, and others who would that every Indian was expelled from Natal. The Colonial Secretary, Dr. Gubbins, has now granted an interview to *The [Natal] Mercury*. Apparently, the Government intends to introduce legislation to control the immigration of indentured Indian labour and withhold issue of trading licences to Indians. They intend to prohibit the immigration of indentured labour after a fixed date. With that end in view, the Agency at Calcutta has been closed. The issue of trading licences is to be stopped after ten years, and if any Indian traders still remain, it is proposed to force them to close down their businesses and compensate them for the loss.

The proposal to stop immigration of indentured labour deserves our support. So long as such immigration continues, the Indian community will have no peace.

We cannot say much about the Bill in regard to trading licences till it is published. But there will be no scope for comment if they pass a law allowing for a time-limit of ten years and providing for payment

83. TO OUR CORRESPONDENTS

We have published several comments on the settlement. In an earlier issue we published a great deal in favour of it. In the current issue we publish as much as we can from the unfavourable comments which we have received. We think it is time we gave up arguing about the settlement. The community must turn to other tasks and enterprises. It is not yet in a position to sit back. Those who are anxious always to march forward do not think of sitting back. Now on we shall not publish comments on the settlement from local correspondents, whether for or against. We shall only publish communications from India or England for [our] future guidance. Many of the correspondents whose views we publish in this issue appear to us to be palpably wrong. But so much has already been said on this subject by us and by others that we see no need of writing further or correcting any misconceptions. In every movement there is bound to occur—and remain—a certain amount of misunderstanding. It is not always possible to clear this up. Time finds answers for all. We therefore appeal to our readers to forget all about the controversy regarding the settlement. It will be enough if they bear in mind that the glory of satyagraha, which we have witnessed, cannot be dimmed.

[From Gujarati]
Indian Opinion, 4-4-1908

84. STORY OF A SOLDIER OF TRUTH [-I]

Preface

The heroic Socrates, an extraordinary person with a fine moral character, was born in 471 B.C. A Greek, he lived a virtuous and benevolent life. Unable to bear his moral excellence and his virtue, some envious persons made false accusations against him. Socrates lived in fear of God[1] and cared little for the obloquy of men. He had no fear of death. A reformer, he strove to cleanse Athens, the capital of Greece [*sic*], of the evil which had entered its [political] life and thus came in contact with a large number of persons. He made a powerful impression on the minds of the young who followed him about in crowds.

[1] Gandhiji's Gujarati summaries of important works had often a contemporary relevance or practical purpose and were not intended to be historical. Here, for example, he renders the Greek "gods" as Khuda in Gujarati. Elsewhere he refers to God as Khuda-Ishwar.

from his death-bed, and wrote to the Prime Minister [of England] and to Sir Edward Grey in reply to the charge that Egyptians lacked ability and did not deserve an independent government. On February 10, the sixth day after this, his earthly career came to an end, and he gave up his mortal body.

[From Gujarati]
Indian Opinion, 4-4-1908

86. JOHANNESBURG LETTER

Hamidia Society's Letter

The Hamidia [Islamic] Society has sent an address of thanks to several persons abroad who helped in the struggle against the law. The address is printed in gold, red and yellow on thick card of superior quality with the edges trimmed decoratively. About 200 copies will be posted. It is signed by Imam Abdool Kadir, Mr. Fancy and Mr. Coovadia. Here is a translation of the address[1]:

DEAR SIR,

On behalf of the Hamidia Islamic Society, we beg to tender you our best thanks for the very warm interest you have taken in the British Indian cause in the Transvaal, and for the prompt response you have always made to our Society's appeal for help. We have no doubt that your advocacy contributed materially to the happy issue of the struggle which taxed the utmost resources of the community. The Asiatic Act specially affected the Mahomedan community in that it deliberately insulted Islam by distinguishing against Turkish Mahomedans and in favour of other Turkish subjects. It was, therefore, natural that this Society should have made a special effort to secure the repeal of the Act, and it has been to our Society a matter of very great satisfaction that our appeal made to Mahomedans and others has been so favourably received.

Three Addresses

The addresses to Lord Ampthill, Syed Ameer Ali and Sir Muncherjee Bhownaggree are ready. They will be posted to Mr. Ritch next week. He will present them in person to the three gentlemen on behalf of the community. The addresses express our thanks to them.

"The Gold Law"

The Government has published a draft Bill for a law about mines in the Transvaal. The law is commonly known as "The Gold Law". The Government intends to get it passed during the next session of Parliament. The draft Bill has reference to the existing Gold Law but

[1] The English text is from *Indian Opinion*, 18-4-1908.

period with a view to giving another chance to those who had not applied earlier. At the moment, it is going round Pietersburg, Potchefstroom and other towns and it is expected that, by April 10, the submission of applications will have been completed. It is assumed that it will then take about a month to issue the registers.

Impatient Indians

We find that many Indians outside are impatient to enter the Transvaal. Some of them manage to get in surreptitiously. I must warn all such Indians that they do the community great harm. There is no objection to the entry of those who hold valid permits obtained after the war, but others would do well to wait for the present.

White Hawkers

The white hawkers have been much emboldened by Mr. Bailey's speech[1] at Krugersdorp. They have asked for help to the tune of £200, of which Mr. Bailey has promised to give £50. They want to compete with the Indian hawkers and beat them at their trade. The movement does not appear to be particularly strong. At the same time, however, there can be no doubt that, if such a movement is kept alive and we do nothing about it, we shall suffer. Let the Indian community remember that it has to deal with an enemy who is not likely to give in without a struggle. He is brave and will return to the attack again and again. Indian hawkers should be especially careful to keep their wares clean, be honest in their dealings and avoid being rude.

Oudtshoorn Indians

The Association received a telegram from Oudtshoorn (Cape Colony) in which the Chairman, Mr. Mahomed Khan, has stated that a meeting attended by about 40 Indians was held at which a fund was raised to help the Association in its work. The proceeds, he said, would be forwarded [to the Association] during the following week. The week is out and the money is expected any moment now.

Late News about Registration

Up to March 30, 7,262 applications for registration had been made, and 4,096 certificates passed and signed. The office has visited all the places in the Colony, and everywhere people have begun registering.

[From Gujarati]

Indian Opinion, 4-4-1908

[1] *Vide* footnote on p. 165.

look upon it as holy work, which will bring prosperity to them and their people. Mr. Anderson, a Canadian millionaire, has gone to work in these hospitals.

How are these hospitals financed? If anyone wants to know, he will find the information in the pamphlet from which we have taken the foregoing. The expenses are met from funds raised in England. We in India pay only a small part of the expenditure.

What is the object behind this work? The question is simply answered. Their aim is, undoubtedly, to convert to Christianity the victims of the disease who go to them. But no one is sent away for refusing to be converted. Their constant objective is to treat these people, whatever happens.

Is there any reason why people, who so nobly serve humanity and from among whom thousands come forward for such work, should not prosper? Why indeed should they not rule?

How can Indians expect to prosper if they refuse to shoulder their own burdens of this sort and forsake what is clearly their own duty? How can they expect to have *swaraj*? And what will they gain from *swaraj*? It is not as if there were no lepers in England, or other deserving causes [for their money]. But the British do not depend on others for such work. They attend to their tasks themselves. We do not accept our own responsibilities, let alone help others.

We must give thought to these matters. We look at the question only superficially, curse the British for denying us our rights and feel triumphant when we have started an agitation to drive them out. But this way we only do ourselves harm. We forget the real cause.

It may well be that the British preside over an empire and prosper because of the blessings of these lepers while we live in misery because of their curses.

[From Gujarati]
Indian Opinion, 11-4-1908

89. *CAPE TOWN INDIANS*

The Cape Argus of Cape Town writes as follows:

At a time when hundreds of whites are leaving South Africa owing to the lack of employment opportunities, it behoves the authorities to check further immigration. It would be highly absurd if, while there was a continuous exodus of white men, there should also be a corresponding influx of Asiatics. It appears from a letter we have received that there is ground at least for suspicion that the Act is not being implemented with the necessary thoroughness. This may be due to defects in the law. Our correspondent

91. *HARDSHIPS ON STEAMERS*[1]

In this issue we publish two letters which complain of severe hardships to passengers on Natal Direct Line steamers. The letters do give the impression that the inconveniences are real. We take it to be a good sign that Indian passengers have begun to complain about them. The only reason why white passengers get so many facilities on steamers is that they do not put up with inconveniences without demur. We draw the attention of the agents of the Line to the two letters. It is their duty to investigate the complaints thoroughly and set matters right.

[From Gujarati]
Indian Opinion, 11-4-1908

92. *JOHANNESBURG LETTER*

Dishonesty at Border

There is a rumour that permitless Indians are crossing over into the Transvaal from all directions. If there are any Indians thus entering the Transvaal unlawfully, they will doubtless suffer in the end and other Indians along with them. Those who want to come in unlawfully had better be careful of what they do. If, earlier, there had been no dishonesty in this matter, the Asiatic Act would never have been called into existence. Since, however, the leaders are not behind such activities and do not want to play foul with the Government, the Acting Chairman, Mr. Coovadia, has sent the following letter to the Government:

> My Association has received information that a few Asiatics enter the Transvaal without permits, some of them on foot. My Association does not know what checks exist at the border. But since it is my Association's intention to assist the Government in preventing the entry of unauthorized persons, it suggests that strict watch be kept at the border and on the trains. My Association believes that this can be done without being harsh on anyone. Prosecution of those entering the Transvaal without permits or similar authority will not imply any breach of the compromise. My Association believes that these persons can be prosecuted under the immigration Act.

[1] *Vide* also "The Natal Direct-Line Indian Route", p. 179.

The whites can register their dogs without paying a fee, while Indians and other Coloured persons are required to pay it. Indians in mofussil areas are seriously concerned as to what they should do about it. Some of them are preparing to take the matter to court. I think this law cannot be enforced, for it does not contain any clause about Royal assent. It is necessary for all laws entailing racial discrimination to have such a clause. Mr. Nagadi has taken up the question. Further information can be had from him.

Admiration for Indians

Pretoria News has a long article on registration which says that the Indians and the Chinese have assisted the authorities and have behaved satisfactorily. Registration has so far gone on without difficulty. There have been very few cases in which objections could be raised.

Advocate Polak

The editor of this journal, Mr. Polak, was enrolled as an Attorney last Monday. The reader will recall that Mr. Polak has been busy with his legal studies during the last three years. He has taken the London Matriculation Examination and passed other examinations as well. He knows French nearly as well as he does English. In the course of the last three years, he passed the law examinations in the Transvaal. Having completed three years with Mr. Gandhi on March 1 last, he became entitled to apply for enrolment as an Attorney. The Supreme Court received and accepted his application last Monday.

Licence

Indians who have not taken out licences had better do so expeditiously. Those who hold new registers will get a licence for the whole year on the production of their registers. Those who do not have the registers will get licences [which will be valid] up to June 30. But applications for these should be made before the 30th of this month. Anyone who fails to do so is likely to be prosecuted in May. It is therefore essential that every Indian [trader] hurries up and gets himself a licence.

Registration

The total number of applications made up to the 8th is 7,607, and the number of certificates issued up to that date is 4,590. For the moment, applications are being received in Warmbaths and Lydenburg. In Benoni, applications will be received on the 13th, 14th and 15th; in Volksrust, on the 13th and 14th; in Potchefstroom and Krugersdorp, on the 16th, 17th and 18th.

[From Gujarati]
Indian Opinion, 11-4-1908

anyone on these matters. If all of you agree that I have not, you will see that the other charges against me must be equally false.

"My accusers say, moreover, that I undertake to educate men and demand payment of money in return. This, again, is false. Even if it were true, I see nothing wrong in it. There are many teachers among us who ask to be paid for their work. If they do their teaching well and are paid for it, I see no dishonour in that. If we owned an animal, we would engage a man to train it and pay him for his work. Why then should we not teach our children to be good, to do their duty as citizens? And if we found a teacher who might lead them along the right path, why should we not pay him? But, speaking for myself, I have not had the opportunity to be such a teacher.

"You may well ask me, 'If you have no faults, why is it that so many accusations are brought against you? If you have done nothing to mislead the people why are these accusations made against you and not against someone else?' This would not be an unfair question to ask. I shall endeavour to show why these charges have been brought against me. Perhaps you think that I am jesting. Be assured, however, that I speak nothing but the truth. The reason for their accusations is that I possess a certain wisdom. If you ask, 'What kind of wisdom?' I can only say that, although it be but human wisdom, even the oracle[1] has said that I have more of it than others.

"Though these are the words of the oracle, I did not readily believe them. Accordingly, I went to one reputed to be the wisest among us. I asked him a few questions and discovered that his was only a pretence to knowledge. I make no such claim. To that extent, therefore, I must be wiser than he is. For he who knows the extent of his own ignorance is wiser than another who does not. But when I proved his ignorance to that learned man, he came to bear me a grudge. Then I went to another person of learning. He also laid claim to knowledge which was only a cover for his ignorance. I proved the truth to him and thus made an enemy of him. I approached a large number of men in this manner, and all of them tried to shield their ignorance. I showed to each one of them how ignorant he was and so incurred his displeasure. I observed that the greater the pretence to knowledge the greater in fact the darkness. I also came to realize that true knowledge consists in being aware of how utterly ignorant one is.

"I went to many a poet and many an artisan. I found that a large number of poets could not explain the meaning of their compositions. The artisans were certainly superior [to me] in virtue of their skill, but out of pride in their skill, they assumed themselves to be wiser than others in other matters as well. All of them are really steeped in

[1] Of Delphi

Ismail Pasha Sabri, Head of the Department of Justice. People were so deeply moved by the dirge that their grief found vent in bitter sobbing. The following are some of the verses from the dirge.

> O grave, offer respectful welcome to your guest. The Egyptian people had put their hopes in him.
>
> That a great patriot like you, with a heart so noble, should have passed away in the prime of his life, is a grief too heavy to bear. You showed us the path of success. We shall defend the edifice of national progress that you have raised. You never encouraged indulgence in tears of grief, but permit us this day to drown in grief. From the morrow, firm as a rock, we shall resume the work that you have left behind.

The funeral was attended by a large number of prominent persons.

February 10 was a day of mourning for those who aspire for a free Egypt. In the entire history of Cairo, there had been no instance of such deep mourning. It is said that those who were in the funeral procession will not forget the day for a long time to come.

[From Gujarati]
Indian Opinion, 11-4-1908

95. BRITISH WOMEN AS SATYAGRAHIS

We have always compared the Indian satyagraha movement with that of the British suffragettes.[1] The brave women of England are continuing their campaign. They started their movement earlier than we did ours, and no one can say when it will end. But their courage and their capacity for suffering are inexhaustible. Many women have been to gaol for their rights. One of them has narrated her experiences in a newspaper and these ought to shame us and inspire us to greater courage. Our sufferings are as nothing compared to what she has had to go through. She writes:

> After we were led out of the quadrangle where we were first detained, we were asked to give our names, ages, addresses, etc. We look upon these questions as a form of popular welcome to those who have arrived to enjoy the hospitality of gaol. After such particulars as our names, etc., had been noted, we went in to don our prison uniforms of coarse cloth. First, we were required to stand barefooted, with just a kind of gown over each of us, while they made an inventory of our personal clothes, jewellery, etc. After we had been weighed, our hair was undone and examined

[1] *Vide* Vol. VI, pp. 29-30, 86-7, 335-6 & 385.

strong string used in sewing the. mail-bags, the object being, probably, to leave no means to tempt anyone to commit suicide because of the extreme cold at night. I was told later that garters were not supplied for the same reason.

Prisoners are not allowed to receive letters, nor to send out any. If a letter arrived for any prisoner the authorities read it and returned it to the sender with the remark that prisoners were not entitled to receive letters.

[From Gujarati]
Indian Opinion, 11-4-1908

96. *NATAL GOVERNOR AND INDIANS*

For the first time after assuming office the Natal Governor has spoken on the Indian question. Speaking at the annual conference of the Natal Agricultural Union, he suggested that they should depend more on Kaffir than on Indian labour; otherwise, he added, it would not be possible to treat the Asiatics already in the country with that fairness which it was in the white man's nature to extend to other, weaker races.

This speech gives rise to two thoughts. Examining its implications we see that [ultimately] it is in the interests of the Indians that the Governor has spoken. He has warned the whites that, if the Indian immigration continues, Natal will eventually come to be dominated by them. Let us thank Sir Mathew Nathan for wanting to do justice by the Indians.

But duty demands that we look at both sides of a question, the good and the bad, and weigh the two. We must not be elated and swept off our feet by the good that we may expect to find. Equally, we must not give way to despair and anger. Looking at the Indian question from this point of view, we find that the concluding words of the Governor's speech are not justified by facts. He says that it is in the nature of the whites to deal fairly with other, weaker races. This implies that Indians are weak and will remain so, at least for some time to come. The whites have always done justice and will go on doing it, for the present at any rate. We shall not blame him for assuming the Indians to be weak, for we have become weak and are content to remain so. People are bound to point their [accusing] finger at us. But the Governor had no right to place such views before the whites. It was unbecoming of him to have done so. We have been further degraded in their eyes. The remedy, however, is in our own hands. We were weak but are not so any longer, and even if we are, we must

From a telegram we have received we learn that the Chinese are putting up a strong fight against the regulations. It is for this reason that the Chairman of the Chinese [Association in the Transvaal] has left for Delagoa Bay. As we write, a move is afoot to send Mr. Polak with him. We hope that, if Mr. Polak does go, the Indian leaders will help him in doing everything necessary to resist the law. Also, we take it that, even if Mr. Polak is unable to visit the Colony, they will still fight the law.

[From Gujarati]

Indian Opinion, 18-4-1908

98. DUTY OF NATAL CONGRESS

We print elsewhere a heart-rending account of the condition of Lobito Bay Indians.[1] They are in Natal, a stone's throw from Durban. It appears that the Government has put them in quarantine with the intention ultimately of sending them back to India.

It is said that these Indians do not even have any clothes to wear. It is only right that Mr. Dawad Mahomed, Mr. Dada Osman, Mr. Anglia and others start immediate relief measures. The work should be taken up by men like Mr. Parsee Rustomjee, who occupy leading positions but are not office-bearers of the Congress. This is what should be done. With the permission of the authorities, they should meet these people and hear their story. If employment can be found for any of them, a petition should be addressed [to the authorities] with a view to securing permission for them to stay on in Natal. If they do not have food to eat, a fund should be raised for feeding them. If they are without clothes, they should be given clothes to cover themselves with. It is not as if this work was the exclusive responsibility of the Congress. It should

[1] In 1906, an English engineer named Stone recruited some Natal Indians to work on the Benguella Railway at Lobito Bay in Portuguese Africa. According to reports in *Indian Opinion* of that time, the conditions of work were trying. There was no fresh water and only small quantities of foul and oily water were available for drinking. They were given white rice and bad *dhal*, with the result that about half the number of labourers died within three months of their arrival. After about 11 months they started leaving the place in batches—500 arriving in Natal in March, and 429 in April, 1908. The latter were put in quarantine at Bluff before being sent back to India and their condition was miserable indeed. Dawad Mahomed of the Natal Indian Congress visited them at the Bluff Quarantine Camp and in April, the Congress telegraphed the Colonial Secretary at Maritzburg to inquire what arrangements had been made for them in India. Congress officials attempted to see them again but permission was refused. *Vide* also Vol. VI, p. 386 and Vol. VII, p. 111.

100. *JOHANNESBURG LETTER*

Indian Satyagrahis

Mr. Coovadia, Treasurer to the Association, has left for India. He will very probably not return. He has spent a third of his life in South Africa. We can therefore appreciate his desire to spend the rest of his days in India, in prayer and in the promotion of public welfare. The Hamidia Society gave him an excellent farewell party on Sunday. On the same day, Mr. Coovadia also gave a dinner at his place [to friends].

Mr. Coovadia did fine work during the satyagraha campaign. He kept his nerve till the end, persuaded those whom he could to remain firm and kept up enthusiasm among the people through his speeches. Though he had a large business, [and so had more to lose,] he cheerfully risked losses along with other businessmen. He also went round, during the movement, collecting contributions. I pray that he may be granted a long life and be enabled to devote himself to good works.

Like Mr. Coovadia, Mr. Alibhai Akuji and Mr. Alibhai Mahomed played a splendid role in the movement. These two gentlemen are also leaving for India. Had it not been for Mr. Alibhai Akuji's efforts and those of other leaders from Kanam[1], it would have been difficult to persuade the people from that area [to join the movement]. I know that Mr. Alibhai Akuji had wanted for some time to return to India, and also that he stayed behind especially because of the movement. I pray to God that Mr. Alibhai Akuji and Mr. Alibhai Mahomed may be blessed with long life and that they be enabled, too, to devote themselves to the service of the community and other good works.

"Trisul"

In India the wound inflicted by a trident is believed to be very painful. The Town Council here wants to strike the Indians with just such a weapon. Despite the utter defeat it has suffered in the case against the Kaffirs of Sophiatown, it is shameless.[2] There is a saying among us, however, that the shameless have no face[3] to lose and that appears to be the case with this Town Council. Moreover, they say in English that a municipality has no soul; so how can a soulless thing have self-respect or honour? The Town Council proposes to approach the local Government with three demands [as under]:

[1] In Broach District, Gujarat

[2] *Vide* "Johannesburg Letter", p. 177.

[3] Literally, nose

101. *SATYAGRAHA*

PRIZE-WINNING ESSAY

PREFACE

During the days of the Transvaal campaign, we invited [entries for a prize] essay on the ethics of passive resistance. The reader will recall that we had offered a prize of £10 for it. There were only four competitors—two whites and two Indians. The decision as to who among them deserved the prize was left to Mr. Doke. He did not know the names [of the competitors] when he read the essays. He decided in favour of Mr. Maurice. Accordingly, a sum of £10 has been sent to him.

We have not so far been able to publish the essay for want of space. We do so now, since we have both the time and the space for it. The reader can read the original essay in the English section. Here, we publish a translation.[1]

We were a little disappointed that not many persons had come forward to write. We do not think Mr. Maurice's essay is a particularly impressive piece of writing, or that it has depth. But his was undoubtedly the best of the four. We can also say that it is on the whole a readable essay. It should make us happy that we have found in South Africa an Indian who could write like that. Being an Indian Christian, it is natural that Mr. Maurice should draw most of his illustrations from Christian sources. We hope that a perusal of Mr. Maurice's essay will stimulate greater interest in satyagraha among the people and make them more familiar with a campaign of this kind.

[From Gujarati]
Indian Opinion, 18-4-1908

102. *STORY OF A SOLDIER OF TRUTH* [*-III*]

SOCRATES'S DEFENCE

"You will now understand why I have so many accusers. I have been so busy bringing home to the people how ignorant we are and how very limited our knowledge is that I have taken no part in other public affairs. I have neglected my own affairs and have remained very poor. But I thought that I was serving God by opening the eyes of men to

[1] Here follows the Gujarati translation of the essay. For the English text, *vide* Appendix III.

S: Now tell me, do I corrupt the young intentionally or unintentionally?

M: I say you corrupt them intentionally.

S: How can you say that? You are young. I am an old man. Do you really believe that I do not realize how, by corrupting others, I would myself become the worse for it? You have yourself admitted that this is what would happen. For we saw that those who keep company with the bad themselves become bad.[1] No one will believe it likely that I want to be hurt. If my argument is correct, your charge that I corrupt the young intentionally falls to the ground. Now let us suppose that I corrupt them unintentionally. In that case, it was your duty to show me how I did this. You have not even tried to correct my error. You would have nothing to do with me. You only brought me up [here] for punishment.[2] It is thus clear from what Meletus has said that he has never given the slightest thought to any serious matter. Now let us consider how I corrupt the young. Meletus, you say that I corrupt them by teaching them not to believe in the gods of the city?

M: Yes, most certainly, I mean that.

S: What do you imply by that? Do I teach [them] to disbelieve in the gods of the city, or to believe in some other gods?

M: I mean that you do not believe in any gods at all.

S: Bravo Meletus! You say that I believe neither the sun nor the moon to be a god, as the rest of the city does.

M: Yes, I do say that you believe the sun to be stone and the moon to be earth.

S: Who will believe you? No one will believe your charge. If I tried to teach any such thing, everyone would know that there was nothing new in that. These are others' ideas.[3] I myself do not believe in what they say. However, since you accuse me thus about the sun and the moon, you will also say, I suppose, that I wholly disbelieve in the existence of God.

M: I do most certainly assert that you deny the existence of God.

S: You are then deliberately asserting something impossible. How can I say that there is no God? Can anyone assert the existence of man's attributes but deny the existence of man? Or assert the existence of things pertaining to horses but deny the existence of horses? Or assert the existence of things pertaining to angels but deny the existence of angels?

[1] Socrates had argued earlier that "bad citizens do their neighbours harm", and from this he drew the conclusion that "if I make any of my companions a rogue, he will probably injure me in some way". This step in the argument is omitted in Gandhiji's summary.

[2] What follows was addressed to the Assembly.

[3] Thales of Miletus and, in particular, Anaxagoras

104. *LETTER TO COLONIAL SECRETARY*[1]

[JOHANNESBURG,
Before *April 25, 1908*]

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I have been desired by the Committee of my Association to approach the Government regarding the Draft Gold Law which the Government intend to introduce during the forthcoming session of Parliament.

In the humble opinion of my Committee, the Draft [law] imposes on British Indians disabilities graver than those found in the existing law. My Committee had hoped, as it still hopes, that the legal disabilities of the community represented by it would be lightened by the Government instead of their being increased.

My Committee desired me specifically to draw the attention of the Government to the following:

1. The Draft retains in the definition of the term "Coloured person" the word "coolie" which, as applied to the present Indian population of the Colony, is an offensive term, there being in the Transvaal very few, if any, coolies in the proper sense of the term. Moreover, the bracketing together African natives and Asiatics, British subjects and non-British subjects[2], is to ignore the peculiar position occupied by British Indians.

2. The retention of the original law as to dealing in unwrought gold, in so far as it specially affects Coloured people besides their coming under the general prohibitions of the law, assumes that Coloured people are the greater offenders in respect of dealing in unwrought gold, whereas in the opinion of my Association the contrary is the fact in so far as British Indians are concerned.

3. Moreover, the definition of unwrought gold probably prevents Indian goldsmiths from carrying on their business of manufacturing jewellery even out of gold bars prepared in and imported from England. This, it will be readily admitted, is a grievous hardship for the goldsmiths in question.

[1] This letter was republished in *Indian Opinion*, 25-4-1908, under the title "The Draft Gold Law of the Transvaal: An Important Letter of Protest".

[2] Residents of the Transvaal who were not subjects of the British Empire

passes cost £1 each. We may therefore take it that this sum was realized from about 2,500 Indians.

What can we do to avoid such loss of money? It is important that we ask ourselves this question and try to find a solution. One way out is for Indians to be bold enough to disregard the laws and do without passes altogether. This course is open only to those domiciled [in Natal]. What about those who want to come in for a temporary stay? This question is rather more difficult to answer. But human ingenuity can find a way out of any difficulty. It is necessary to keep on at the Government about this subject. The Government should be told that a large enough revenue accrues to it from the railways on account of the immigrants. Next, businessmen may begin educating themselves as well as they can. If they become conversant with the English language, they will gradually be able to spare themselves the expense discussed above. And lastly, the practice of cheating the Government should be given up. This last remedy is the most honest and efficacious.

The Report also reveals that 3,236 Asiatics were refused permission to land and compelled to return. Not all of them had arrived by the sea route [from India]. Some of them came through the Transvaal. Much money, therefore, must have been wasted in trying to enter the Transvaal. The remedy for this state of affairs at any rate lies in our hands alone. If we spend on education even a tenth of what we spend on questionable transactions, the prejudice that we find in South Africa against the black skin will disappear.

[From Gujarati]
Indian Opinion, 25-4-1908

106. INDIAN LABOURERS IN LOBITO BAY

We wrote about these unfortunate Indians last week.[1] We congratulate the [Natal] Congress leaders for having moved in the matter and paid them a visit. It is gratifying to learn that they are all well cared for and properly fed. It is, however, regrettable that the poor men are being sent back to India. We think it might have been possible to arrange for them to stay on in Natal if action had been taken earlier.

We can think of something that can still be done. The Natal Government should be asked to state what arrangements it has made for these people when they arrive in India. At the same time, a

[1] *Vide* "Duty of Natal Congress", pp. 192-3; also Vol. VI, p. 386 and Vol. VII, p. 111.

108. CAPE IMMIGRATION ACT[1]

Last week we wrote on the case in the Cape. We have now received a full report of it, which we publish in the English section. Another case, a more important one, under the Immigration Act, was also heard in the same Court. In the first case the Court did not give its ruling on the point of law [that was raised]. In the second it did, and its judgment applies to all Indians in the Cape. The following is a summary [of the case].

An Indian[2] was prohibited from disembarking and he moved the Supreme Court. Under the Immigration Act of 1902, Indians domiciled in South Africa were free to enter the Cape; this Indian came under that category. Under the Act of 1906, however, only those Indians who are domiciled in the Cape can settle there. On the other hand, whites anywhere from South Africa are free [to enter]. But there is a loop-hole in the Act of 1906, namely, that an Indian who leaves the Cape must, if he is entitled to return, carry with him a pass for exit and re-entry.[3] It was the contention of the prosecution that the Indian in question had not taken out such a pass and had accordingly forfeited his right. The contention was accepted by the Supreme Court. While delivering the judgment, the Court expressed sympathy with the Indian and recommended that the Government deal with the case leniently for the reason that he had failed to take out the pass for re-entry out of ignorance and that the lapse might therefore be condoned.[4] The consideration shown by the Court is to be welcomed. However, what the Indian community wants is not leniency under an unjust law; the leniency should be incorporated in the law itself. [No,] it is not even lenient laws that the community asks for; it will suffice if the laws are just.

It is imperative that the law should be amended. It will be well if the Cape leaders take this stand and work accordingly. We are sure that, if the leaders wrote to the South Africa British Indian Committee in England, they would receive excellent help. The Committee cannot exert itself with any effect unless it is approached [for help]. The

[1] *Vide* "Important Case at the Cape", p. 193.

[2] Bapu

[3] *Vide* Vol. VI, p. 346.

[4] The original judgment says: "But this seems to be a case in which the Minister might well consider whether some indulgence might not be granted on the ground of misunderstanding, or negligence through illness on the part of the applicant."

110. INDIANS IN CANADA

The condition of Indians in Canada deserves notice. There is no special legislation in that country designed to drive them out. Most of the Indians there are Punjabis, who are all referred to as Sikhs[1]. But from our experience here we can infer that it is unlikely that they should all be Sikhs. Most of the Indians domiciled there are workers. For the time being the authorities have resorted to some lacuna in the law to refuse admission to some [Indians] who came *via* Hong Kong, on the ground that they did not come directly from India.[2] Canada has allowed Japanese to settle there, but is doing its utmost to keep Indians out. What is the reason? First, the Japanese settled in that country are brave people. The whites who tried to intimidate them were beaten back.[3] The Japanese moreover have an independent government [at home] which protects its citizens' interests. Their Government is free because the people have an independent disposition. As against this, the Indians in Canada shut themselves up in their rooms when there was a riot in that country. Also, India can do nothing effective. It has no government which can fight for the interests of the country [and its nationals abroad]. Indians are a subject people. The reason for this state of affairs does not lie in British rule or the British flag. We are the reason for that rule. We do not, of course, see any advantage in bringing that rule to an end. We can, however, change the ways of the present Government. We are the subjects of others because we do not have the spirit of independence. If we can regain that spirit and then demand justice, we shall get it for the asking. Among the numerous Indians in Canada, we do not find a single well-educated person.

[1] Discussing the Indian immigrants in a newspaper article about the same time, Rudyard Kipling points out that they were mostly Sikhs, Muzbis and Jats from the Punjab who worked in the lumber mills and were found useful.

[2] On January 8, 146 Hindus, the majority of whom had arrived from the Orient by the steamer *Monteagle,* were ordered to be deported by an Order-in-Council of the Dominion Government because they had not come directly by continuous passage from the land of their birth. They were, however, released on March 24 on writs of *habeas corpus* after the Supreme Court had pronounced their deportation altogether illegal.

[3] The Colonists' objection was really to the Japanese who had monopolized the local fishing trade at Vancouver. Again, Kipling says, "When attacked, the Japanese defend themselves with asperity...The Indians are not understood of course; but they are not hated...." On this occasion "the Japanese barricaded their quarters and flocked out, a broken bottle held by the neck in either hand which they jabbed in the faces of the demonstrators. It is perhaps easier to haze and hammer bewildered Hindus and Tamils as is being done across the Border than to stampede the men of the Yalu..."

no more to be done, and spend the rest of our days in ease and luxury. [If we looked around,] we would find hundreds of such instances. Yet we often express our resentment at not being granted self-government. When India comes to have hundreds of men like Sir Henry, she will gain her freedom in no time. It will then matter little which flag flies over the palace.

[From Gujarati]
Indian Opinion, 25-4-1908

112. JOHANNESBURG LETTER

GOLD LAW

The following letter[1] about the Gold Law has been sent to the Colonial Secretary on behalf of the Association.

> The draft Gold Law which is to be introduced during the forthcoming session of Parliament imposes on British Indians disabilities graver than those found in the existing law. The Committee had hoped, as it still does, that the disabilities of the Indian community would be lightened [by the Government] instead of being increased. My Committee draws the attention of the Government to the following.
>
> In the draft [Law] the definition of the term 'Coloured person' contains the word 'coolie' which is offensive to the Indian community as there are in the Transvaal very few, if any, coolies in the proper sense of the word. Moreover, to bracket together African Natives and Asiatics, British subjects and others who are not British subjects is to ignore the fact of Indians being British subjects.
>
> The retention of the original law as to dealing in unwrought gold, in so far as it affects Coloured persons, not only brings them under the general prohibitions of the law, but assumes that in dealings in unwrought gold Coloured persons are the greater offenders, whereas in my Association's view the very opposite is the case [at least] in so far as British Indians are concerned.
>
> Moreover, the definition of unwrought gold is likely to prove defective. It will probably prevent Indian goldsmiths from carrying on their business of making jewellery even from gold bars made in and imported from England.
>
> Section 127 of the draft Law is vague and would seem completely to bar acquisition by Coloured persons of any rights whatever. The section also prohibits holders of rights acquired

[1] *Vide* "Letter to Colonial Secretary", pp. 200-1.

Roodepoort Chamber

The Roodepoort Chamber [of Commerce] wants an end to the practice of Indians holding land in the names of whites. Indians [it thinks] should be sent to Locations and the municipalities should have the power to refuse them licences. The Chamber has addressed a long letter to General Smuts to place this demand before him. The South African whites will allow Indians no rest. They are bent on keeping us on our mettle all the time. This, I think, is excellent training [for us]. We shall discover that, if we do not fear our enemy and do not show temper with him, he becomes our friend, for he then serves us like one. Our vigilance will serve India well. If we do become vigilant, that will be thanks to the likes of Roodepoort whites.

New Anti-Indian Party

A new party called the South Africa Forward Party has been formed in Johannesburg. It has published its manifesto. Its object is [to secure] the reservation of South Africa exclusively for white settlers. With that end in view, it has proposed the political and territorial segregation of Coloured persons. It also wants that they should never be given the franchise, that their immigration into South Africa should be prohibited altogether and that those who are already there be progressively driven out. There is no reason to expect that this party can achieve anything. All the same, persons with such ideas carry on a campaign against Coloured persons. We have to exert ourselves far more vigorously than they do if we are to retain our foothold in South Africa.

Limit of Selfishness

While on the one hand, the whites demand the expulsion of Indians from South Africa, on the other, they also want to exploit Indians as much as they can. Mr. Wall, the Chief Engineer of Railways in the Transvaal, thinks that the Transvaal has a surplus of coal and suggests that it be dumped on India. It does not occur to him that, if any such attempt is made, the Indians may want to put forward their own terms. He assumes that Indians are cowards who can do nothing, as though they were born only to carry the burdens of others.

Wicked Civilization

Australia has recently furnished a wicked instance of the extreme selfishness that I mentioned earlier. There, they are after the Chinese. Chinese sometimes manage to stow away to Australia. A ship is like a small settlement. It is often difficult to find a person [hiding] in the hold. To ensure that no one remains undetected, the Australian

BOYCOTT BY CHINESE

We gather from the newspapers here that the Chinese want to use the weapon of boycott against the Japanese. It appears that Japanese officials tyrannize over the Chinese in Korea. The Chinese feel that they are not strong enough for an armed encounter, but they know that Japan cannot stay on in Korea or anywhere in China except with their help. Japan has a large trade with China, and that gives the Chinese immense power. Conscious of that power, they have decided to boycott Japanese goods if Japan does not behave, and have already proceeded to act on the decision. This has frightened Japan. Such is the power of boycott, and boycott is only one aspect of satyagraha. If by itself it can be so much stronger than hundreds of guns, what may we not expect of satyagraha? India, too, recently provided a fine example of boycott. The telegraph operators went on strike in desperation and created a scare in one day. Lord Minto sent telegraphic instructions that a compromise should be reached with the telegraph operators. Some foolish persons suggested that white operators alone should be employed without realizing that thousands of men cannot thus be replaced at a moment's notice.

DRIVING COLOURED PERSONS TO LOCATIONS: DISCUSSION

At the annual meeting of Het Volk, a Dutch society in the Transvaal, General Smuts declared that a municipal Bill, which, he hoped, would solve the question of Coloured persons living among whites, would be introduced during the next session of Parliament. He did not elaborate the point further. The others, too, did not argue further about the question. True satyagrahis need not be frightened at such moves; only, they must remain vigilant. This should serve as a warning particularly to those who feel that satyagraha once has been enough.

[From Gujarati]
Indian Opinion, 25-4-1908

113. STORY OF A SOLDIER OF TRUTH[-IV]

"I have nothing more to say about Meletus's charge. I believe, moreover, that most of the people here are opposed to me. You will condemn me not on the basis of what Meletus and others say, but because of the prejudice and suspicion of the multitude. But many a good man has suffered in this way and many more will suffer thus in future.

"Someone may well ask: 'Are you not ashamed, Socrates, of pursuing studies which are likely to lead to your death?' I should answer such a man with perfect justice: 'You are wrong. Even a man of slight worth

reputation. Are you not ashamed of these things? You show little concern for your soul, for wisdom and truth. You take no thought for the perfection of your soul." ' If, in reply, someone were to say that he did care for his soul and sought truth, I would not let it go at that. I would ask him in what way he cared for all these things. I would test him before I let him go. If in the course of the enquiry I found that he had no truth in him, I would reproach him with setting the lower value on the more important things and the higher value on those that are of less account. This I should do with everyone—citizen or stranger, young or old—but more especially with you, since I am better known among you and more nearly akin to you. Be assured that it is the command of God that I should speak thus. I even go so far as to claim that the commands of God are very dear to me and that this fact is in itself conducive to the highest good of the city.[1] I have only one interest. To all, the young and the old, I say only one thing, namely, that you should care less for wealth and more for the soul; that you should strive for its perfection. Virtue does not come from wealth, but wealth, and all other things of this world, will come to you if you have virtue. If anyone says that I corrupt the people of this city by teaching them this, it would mean that virtue is vice. But if any man says that I teach anything else, he is trying to mislead you."

[From Gujarati]
Indian Opinion, 25-4-1908

114. LICENCES IN NATAL

Indian traders have been debating on what to do about the Natal Dealers' [Licenses] Act. Everyone agrees that something must be done. Everyone believes that, if effective action is not taken, the Indian trader will lose his foothold in Natal. The whites are out to ruin the Indians. They want gradually to eliminate the Indians altogether.

All the Indians know this. They ought to, at any rate. It is more difficult, however, to devise a remedy. We can think of only one. All the misfortunes of the Indian community are due primarily to the fact that the community has ceased to be respected. It is necessary for it to act with courage; only then will it command the respect of the Government. What is to be done? Two courses are open to the Indians. One is to fight with the sword. Our sword of steel has lost

[1] An English version has, "And I think that no better piece of fortune has ever befallen you in Athens than my service to God."

industries and crafts. It is essential, we think, to turn our attention to these.

[From Gujarati]
Indian Opinion, 2-5-1908

116. INDENTURED LABOURERS IN DELAGOA BAY

A move is afoot to import indentured Indian labour into Delagoa Bay and other parts of the Province of Mozambique. It is urgently necessary to oppose this move. Delagoa Bay Indians need to be vigilant. Else, it is possible that they will be reduced to a sorry plight. There should be a public body in Delagoa Bay to take up such questions.

[From Gujarati]
Indian Opinion, 2-5-1908

117. JOHANNESBURG LETTER

"Happy Are Those Who Are Ever Awake"[1]

This saying has a striking relevance to Indians. At the meeting of one of the Chambers it was proposed that Indians should be made to leave South Africa and be sent away to those parts of East Africa which are unsuitable for the whites to settle in. After some fruitless discussion, the matter was dropped. But the fact that such proposals are put forward again and again should serve as a serious warning to us. Even in England newspapers are being misled by these ideas. We ought to explain [the matter] properly to them. I observe that Mr. Ritch is doing his best not to let such views, when they are published in newspapers, go unchallenged.

True!

An Indian resident of Durban points out that the accounts of the British Indian Association show a sum of £50 as [contribution] from Natal, and that this may be interpreted by an outsider to mean that Natal had contributed £50 only. This will bring Natal discredit. He draws attention to the fact that Natal sent the British Indian Committee more than £250, and that this should be noticed [in the accounts]. This is correct. Even for the satyagraha campaign, Natal's contribution has been invaluable. How can one forget that, besides the amounts remitted to the Committee, it spent money like water on telegrams and other things?

[1] A Gujarati saying

You imagine that these things will be a great punishment for me. But I do not think of them as such. Rather, a person who tries to put another to death unjustly only harms himself. Do not therefore feel that I am arguing in my defence. I stand here to tell you what is in your own interest. I want to save you from the wrong of violating the divine command. If you put me to death, you will not easily find another man to fill my place. It is, of course, not for me to say this, but I cannot help pointing it out. As a strong horse needs reins, you need reins.[1] Since you are also strong, I think it is the will of God that I should serve as your reins, and if you take my advice, you will spare me. But it is likely that you will thoughtlessly order my death, being vexed with me as one sleeping is vexed with another who wakes him from his sleep and rushes at him ready to strike. And then you will drop off to sleep again, unless you have another man to fill my place. I strive for your good, having been sent by God for that purpose. You can see that I have neglected my own affairs, busying myself unceasingly for your good, counselling each one of you like a father or an elder brother and striving to lead you along the right path. You would have had some reason to doubt me if I had asked to be paid for what I was doing or made money thereby. But my accusers have not charged me with demanding money. And I have, in my poverty, the most convincing evidence that I have not accepted or demanded any payment of money.

"Perhaps you will ask me, why, if I go on exhorting people to virtue, moving from house to house, I do not take part in the political affairs of the city and strive for its welfare. I have often given my reason for that. I think I hear a divine voice whispering into my ear, telling me not to take part in politics. And I think it well that this has been so. If I had attempted to take part in politics, I should have perished long ago, without doing either you or myself any good. Do not be angry with me for speaking the truth. No man would be free from danger to his life, if he opposed the misrule prevailing in the city and tried to prevent injustice. He who would approach every question from the standpoint of justice had better stay out of the bother and bustle of politics.

"Let me give examples to prove this. You will see then that even the fear of death cannot force me to do what I consider to be wrong. But you will also see from them that, if I had busied myself in political affairs, I would have perished long ago. You may perhaps find that what I am about to tell you interests you but little. Nevertheless, it is true. I was at one time a member of our Assembly.[2] It happened once that

[1] An English translation uses a different simile. Athens is compared to a sluggish horse "which needs to be aroused by a gad-fly" and, Socrates says, "I think I am the gad-fly that God has sent to the city to arouse it."

[2] Socrates was a member of the Commission of Thirty.

they are mistaken if they consider that the Indian community will have nothing to say in the matter, or that it will allow itself to be extinguished without making a supreme effort.

Indian Opinion, 9-5-1908

120. VOLUNTARY REGISTRATION IN THE TRANSVAAL

The period for voluntary registration of Asiatics in the Transvaal closes today[1]. Roughly speaking, almost every Asiatic has applied for voluntary registration; in other words, he has allowed himself to be identified afresh. Of the eight thousand odd applications made, six thousand have already been approved and passed. This is a creditable record on either side. The Asiatics have, therefore, fulfilled their obligation, both in the spirit and the letter. It now remains for the Government to complete the performance of its duty, namely, to repeal the Asiatic Act, and to legalize voluntary registration in a manner acceptable to the Asiatics and satisfactory from the Colonial standpoint, which is to restrict the authorized influx of new-comers. The Colonial principle has been accepted by the Indian community. There need, therefore, be no further cause for friction.

Indian Opinion, 9-5-1908

121. THREE NATAL BILLS

Dr. Gubbins has been as good as his word. Three Bills have been published in the *Government Gazette*. One of them seeks to prohibit the importation of indentured Indian labour after June 30, 1911. This should be welcomed by every Indian. There is not much difference between indenture and slavery. We think it is far better that Indians do not come here at all than that they should come under these conditions.

The other two Bills are directed against the Indian trader. According to one of them, no Indian businessman will get a new licence next year onward and, according to the other, an Indian will not get a licence at all after ten years. After ten years, Indians who are still here will receive compensation to the extent of three years' profits.

The first of the two Bills is really the more objectionable, for it means that, beginning from next year, no Indian can sell his business to another or shift his shop. That being the case, how many Indians will be left here after ten years to claim compensation? Moreover,

[1] May 9; *vide*, however, "Johannesburg Letter", p. 226.

imagine we would use only against foreigners will be used against ourselves. This has ever been so.

There is therefore not the slightest reason for Indians to gloat over this incident. At the same time, the Government, too, cannot be absolved wholly from blame. Had there been no oppression, the people would not have even dreamt of using dynamite.

[From Gujarati]
Indian Opinion, 9-5-1908

123. INDIANS IN CANADA[1]

In Canada Indians have raised a storm of protest which deserves attention. We learn from newspapers sent us by a friend from Winnipeg that Indians abroad are becoming more public-spirited everywhere. Those who held the [protest] meeting were not concerned with any grievance of their own. Some Indians reached [Canada] by way of Hong Kong. They were not allowed to land by the Canadian Government, and this led to a [protest] meeting by Indian settlers in Canada. Most of the participants were Sikhs[2]. They met in a Sikh temple and showed great spirit [in the meeting that ensued]. The meeting passed a resolution asserting that it would injure the cause of the British Empire if these Indians were forced to return. They also argued that this would encourage those who opposed British rule [in India]. Resolutions [to that effect] were then passed. The newspaper correspondent adds that fiery speeches were made at the meeting.[3]

Such meetings and this unity emerging among Indians [abroad] augur well for India's future.

The British Government is in a difficult situation. It will have to act with great circumspection. On the one hand, it has to please the Colony; on the other, it must protect Indian rights. Mr. Morley is being put to a severe test.

[From Gujarati]
Indian Opinion, 9-5-1908

[1] *Vide* "Indians in Canada", pp. 206-7 and also "Rhodesia Indians", pp. 265-6.

[2] According to the Winnipeg *Free Press* report, the 500 persons who held the meeting were Hindus.

[3] The meeting also sent a cable to John Morley, Secretary of State for India, seeking the protection of the Imperial Government and pointing out that its neglect of this problem would cause resentment in India.

127. JOHANNESBURG LETTER

Registration

This is the last week for voluntary registration. Those intending to apply [for registration certificates] will have done so before the 9th. It does not appear likely that applications will be accepted after that date. It seems the Registrar has also sent round notices to that effect. Every Indian, therefore, who considers himself eligible, must apply without delay. This paper will probably not reach the readers before Monday. By then the time-limit will have expired. However, I give this warning in the belief that Monday may really be the last day.

About 8,700 applications for registration have been made and 6,000 applicants have already received their certificates. The remaining applications are still under consideration. Apparently, they include applications on behalf of children, applications of persons holding the old Dutch registers and those of others about whose thumb-impressions there may be some doubt. What happens to the applications of persons holding Dutch registers will depend on the number of cases in which the thumb-impressions are suspect. The remaining 2,000 also include a large number of *bona-fide* certificate-holders. Further information is likely to become available in a week or two.

Inter-Colonial Conference

A conference of all South African Colonies designated as above is now in session in Pretoria, with Mr. Moore, a Natal Minister[1], as President. Among many others, the Asiatic question finds a place on the agenda. It is likely to be discussed at length. According to reports, the sessions are to be held *in camera*.

A very important resolution was passed at the Inter-Colonial Conference. It has been resolved, on a proposal from Mr. Smuts, seconded by Mr. Merriman[2], that steps be taken by all concerned to bring about a union of all the Colonies. Commenting on this, newspapers favouring the Progressive Party point out that the Dutch are in a dominant position at present, especially because they are in power in the Orange River Colony, the Transvaal and the Cape; that is why

[1] Moore was then Prime Minister of Natal.

[2] Rt. Hon. John Xavier Merriman (1841-1926); Privy Councillor; surveyor and farmer; Member of Cape Parliament; joined Molteno ministry, 1875-8; Prime Minister and Treasurer-General, 1908-10; Member of Union Legislative Assembly, 1910-19; described in *Indian Opinion* as "a consistent champion of fair play to Indians"

129. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
May 12, 1908

DEAR MR. SMUTS,

I ventured to send a telephone message to you with reference to a telegram I have received from Mr. Chamney saying that all Asiatics who at the time of the compromise were outside the Colony and who are now coming in and who have arrived after the 9th instant should apply under the Act. I am sure you do not mean this at all, in the face of[2] the clear statement in the letter addressed by me from the jail. It has created almost a panic. I venture to hope that the necessary instructions will be issued, and that voluntary registration will be accepted from those who may now come in.

Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
COLONIAL OFFICE
PRETORIA

India Office, Judicial and Public Records: 2896/08; also a photostat of the typewritten office copy: S. N. 4811

130. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
May 14, 1908

Personal

DEAR MR. CARTWRIGHT,

Perhaps the Angel of Peace will again have to be requisitioned. The accompanying copies[3] will tell their own tale. I do not think it is necessary for you to move just yet, but the situation that has arisen shows the danger of trusting suspiciously. The letter[4] you brought was

[1] This letter was published in *Indian Opinion*, 4-7-1908, and a copy of it was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

[2] The words "the face of" do not occur in the office copy and were presumably added in the letter.

[3] Of the correspondence with General Smuts

[4] *Vide* "Letter to Colonial Secretary", pp. 40-2.

ever thought of by me, and I do not suggest any such course now. But the essence of the compromise is that, the undertaking of the Indian community being fulfilled, as I claim it has been, the Act should be repealed. Voluntary registration should go on in connection with those who may arrive until the Act is repealed. As will be noticed from the Draft submitted by me, provision is made for the identification of those who may arrive after the passing of the Draft Bill. So that there is no question of keeping voluntary registration open for an indefinite period.

Of course, if it is desired by General Smuts that no registration should take place now, but that it should await the passing of the new legislation, I do not mind; but to require Indians who may enter now to come under the Act will only accentuate the suspicion that is still lurking in the minds of some of my countrymen. In order to make good my word, as also to assist the Government, it is within the General's knowledge that I very nearly lost my life, and this arose because, in the opinion of some of my countrymen, I had sold them, by reason of having agreed to the principle of ten finger-prints. Were the proposed registration under the Act of new arrivals persisted in, not only will suspicion be accentuated, but it will be justified, and I cannot help saying that those who may feel irritated against me will be entitled to my life. I should consider myself totally unworthy of the trust reposed in me by my countrymen, and to hold the position that they have allowed me to hold for such a long time, were I ever to consent to the Act being applied to new-comers. If the Act was bad, as I respectfully contend it was, it was so for all, except for those who, owing to their fraud or obstinacy, would not voluntarily provide facility to the Government for their identification. I am, therefore, sure that General Smuts will reconsider the matter, and not only not ask me to use whatever influence I may possess with my countrymen in the direction desired by him, but that he will assist me to make good my word to them, by either accepting voluntary registration of new arrivals or informing them that they need not be identified until after the passing of the new legislation, especially as the purpose of identification is equally well served under the compromise.

As the matter is exceedingly urgent, may I ask that a telegraphic reply be sent to me?

Yours truly,

India Office, Judicial and Public Records: 2896/08; also a photostat of the typewritten office copy: S. N. 4813

you consider this presumptuous, please forgive me. I put these thoughts of mine before you on this occasion after fourteen years of study and contemplation and seven years of practice.

Respects from
MOHANDAS

From the Gujarati: *Mahatma Gandhijina Patro*, ed. by D. M. Patel, Sevak Karyalaya, Ahmedabad; 1921, and from the Hindi: Prabhudas Gandhi: *Jivan-Prabhat*; Sasta Sahitya Mandal, New Delhi; 1954

133. INTERVIEW TO "THE STAR"

[JOHANNESBURG,
Before *May 16, 1908*]

As the leading member of the community most concerned, Mr. M. K. Gandhi, the Johannesburg lawyer, is entitled to a very considerable audience on the subject of the legislation which Natal proposes regarding its Indians....

With reference to the first Bill that is to stop indentured immigration, so far as I am aware every Indian will welcome it. The only regret will be that the stopping did not come sooner, and that it is still not to come for two years. Had indentured labour from India not been imported, there would have been no Indian question in South Africa. Of course, the reason for Indian satisfaction may not be, and is not, the same as that for European satisfaction. Indians consider that the system of indentures is of little, if any, benefit to India as a whole or to the Indians concerned. It does not tend to the elevation or progress of the indentured people, and in the words of the late Sir William Wilson Hunter[1], the official historian of India, it is a state of semi-slavery.

As to the two other Bills, they are open to very serious objection. I have never heard of such legislation in any British Colony. The first of these two licensing Bills contemplates the stopping of all new licences in Natal. This means the stopping of the removal of the same business from one place to another, because as soon as a trader removes to another place, it is considered to be a new business and a further licence is necessary. This Bill, if it becomes law, must mean ruin, practically, to Indian traders. Why should not the partner of a man who holds a licence in his own name, as soon as he severs his connection with the partnership, be able to take out a licence for himself? And yet prohibition to trade will be the effect of this Bill. There are many other

[1] (1840-1900); wrote a number of books on India and the Empire, including *Indian Empire*; compiled the *Imperial Gazetteer of India* in 14 volumes; member of the Viceroy's Legislative Council, 1881-7; on retirement, became member of the British Committee of the Indian National Congress in London, and from 1890, contributed to *The Times* on Indian affairs.

134. *NATAL BILLS*

The more one examines the Natal Licensing Bills, the greater is the feeling of dissatisfaction over them. The Bills are an open challenge to the Imperial Government. They frankly and openly attack Indians, not Asiatics generally. They attack not Coloured people but Indians only. A Chinaman may, therefore, freely trade in Natal, save for the restrictions provided by Act 18 of 1896, but an Indian may not. The Zulu, very properly, we think, is unhampered, but the Indian, whether born in Natal or not, must not trade after a certain date. The *Mercury* pertinently asks whether an Indian may carry on the trade of a barber. And if he may, why should the European grocer and the general dealer alone be protected?

But to examine the details of the proposed legislation is not to understand it. In order to understand it properly, it is necessary to look beneath the surface. The Natal Government, then, by bringing forward the Bills, state their Indian policy. In their opinion, the Colony has a perfect right to drive away Indians, not to recognize them as British subjects and to do as they choose with them without regard to Imperial obligations. In Kipling's words, the Servant is to be the Master. It is not enough that Natal is to be Mistress in her own, but it is to dictate terms to the Imperial Government. For we brush aside the idea that the proposed treatment of Indians can ever be part of the powers of self-governing colonies. And what Natal wishes to do is, after all, what most British Colonies would also like to copy.

What will India do? The Indian Government, if they would faithfully discharge their trust, have a clear duty before them. They cannot see Indian emigrants being ruined and sacrificed on the altar of prejudice. But whether they realize their duty or not, it is clearly for the people of India to wake up and assert their right of protecting the interests of their "cousins across the sea". Every hamlet in India should express its abhorrence of the cruel injustice that is dealt out to their brethren who have emigrated to the Colonies.

Indian Opinion, 16-5-1908

In the absence of mutual regard, the cause of Indian discontent is bound to remain. The Indian community will therefore be able to exercise its rights only when it develops a lion-like nature.

The beauty of the Natal Bills is that they do not apply to the Chinese, let alone the Kaffirs. If the Bills are passed, it will make out Indians to be the lowliest [among the Coloured persons]. We believe the Natal Government's object in bringing forward these Bills is to ascertain white reaction and test Indian strength. They seem to think that, if the Indian community does not protest in this case or does so only perfunctorily, it may be possible to bring greater pressure to bear on it on future occasions.

It will not be enough, therefore, that the Natal Indians merely resist these Bills; they should challenge the very principle underlying them. They must wake up from their sleep. No one, whether businessman or not, should imagine that trade is all that matters; it is also necessary to acquire true education. Having acquired that for oneself, one must educate one's children. It is only when the Indian community thus cultivates its talents in every way that it will learn to be vigilant. He who becomes vigilant may become leonine. The remedy is in our hands. "[But then,] you cannot sell your berries unless you shout your wares."[1]

[From Gujarati]
Indian Opinion, 16-5-1908

136. *JOHANNESBURG LETTER*

Inter-Colonial Conference[2]

A number of resolutions are believed to have been passed at this conference, though its proceedings were kept strictly confidential. It is believed, moreover, that this was done at the instance of the Natal politicians, who did not want the question of federation to be discussed in public for the time being. There are also reports of a serious rift among the Council members on the question of customs duties.

Registration

Voluntary registration ended on the 9th. New applications are not accepted any longer. That is to say, those who have not so far applied [for registration certificates] will be left out. Indians with permits are now entitled to enter the Transvaal and also voluntarily to apply for registration. In spite of this, Mr. Chamney has issued an

[1] A Gujarati saying which means that one cannot attract attention unless one speaks out.

[2] *Vide* "Johannesburg Letter", pp. 226-7.

prosperity. If, in the pursuit of this happiness moral, laws are violated, it does not matter much. Again, as the object is the happiness of the greatest number, people in the West do not believe it to be wrong if it is secured at the cost of the minority. The consequences of this attitude are in evidence in all western countries.

The exclusive quest for the physical and material happiness of the majority has no sanction in divine law. In fact, some thoughtful persons in the West have pointed out that it is contrary to divine law to pursue happiness in violation of moral principles. The late John Ruskin[1] was foremost among these. He was an Englishman of great learning. He has written numerous books on art and crafts. He has also written a great deal on ethical questions. One of these books, a small one, Ruskin himself believed to be his best. It is read widely wherever English is spoken. In the book, he has effectively countered these arguments and shown that the well-being of the people at large consists in conforming to the moral law.

We in India are much given nowadays to imitation of the West. We do grant that it is necessary to imitate the West in certain respects. At the same time there is no doubt that many western ideas are wrong. It will be admitted on all hands that what is bad must be eschewed. The condition of Indians in South Africa is pitiable. We go out to distant lands to make money. We are so taken up with this that we become oblivious of morality and of God. We become engrossed in the pursuit of self-interest. In the sequel, we find that going abroad does us more harm than good, or does not profit us as much as it ought to. All religions presuppose the moral law, but even if we disregard religion as such, its observance is necessary on grounds of common sense also. Our happiness consists in observing it. This is what John Ruskin has established. He has opened the eyes of the western people to this, and today, we see a large number of Europeans modelling their conduct on his teaching. In order that Indians may profit by his ideas, we have decided to present extracts from his book, in a manner intelligible to Indians who do not know English.

[1] (1819-1900); a Scotsman and author of many books on architecture, painting, social and industrial problems, the place of women in society, etc; Slade Professor of Art in Oxford for some time; later became opposed to vivisection and usury and interested in workers' education and co-operative industrial settlements. Together with *Munera Pulveris*, *Unto This Last*, which was published as a series of articles in *Cornhill Magazine*, expounds Ruskin's social utopia. Gandhiji describes Ruskin as "one of the three moderns...who made a deep impress on me". *Unto This Last* "brought about an instantaneous and practical transformation....I arose with the dawn, ready to reduce these principles to practice". Polak commended this book to Gandhiji who read it on the train journey between Johannesburg and Durban. *Vide Autobiography*, Part IV, Ch. XVIII.

ces on the velocity of a body. A knowledge of the laws of exchange is of no help in determining the effects of man's social affections.

[From Gujarati]
Indian Opinion, 16-5-1908

138. SPEECH AT Y.M.C.A.

[JOHANNESBURG,
May 18, 1908]

The following address was given by Mr. M. K. Gandhi, Bar-at-Law, before the Y.M.C.A., Johannesburg, in moving the negative in a debate on the question, "Are Asiatics and the Coloured races a menace to the Empire?"

It seems to me somewhat remarkable that a question of this description should arise at all, or that there should be any debate whatsoever as to whether Coloured races are a menace to the Empire. I think that a question of that description could arise only in the Colonies or, better still, only in some of the Colonies. In a well-ordered society industrious and intelligent men can never be a menace. If they have any defects, the very order of the society corrects them. At the same time, we, as practical men and women living in this very practical age, have to face facts as they are and, seeing that questions of this description arise in the Colonies, it is undoubtedly well that we should discuss them and debate upon them; and, to my mind, it is a very happy augury for the future that your humble servant can be called upon to give his views on the question before an audience like this, and I think it is also a happy augury that this hall is so well filled, showing the keen interest taken in the subject.

By the term "Coloured people" generally, I think we understand only offspring of mixed marriages, but in connection with the question before us this evening, the term "Coloured people" has been taken more comprehensively, and has been made to include the Coloured people proper—the Africans and the Asiatics. My own observations and experience, as you know, are confined very largely to British Indians, my own fellow-countrymen, but in studying the Indian question, I have endeavoured to study the question as it affects the Africans and the Chinese. It seems to me that both the Africans and the Asiatics have advanced the Empire as a whole; we can hardly think of South Africa without the African races. And who can think of the British Empire without India? South Africa would probably be a howling wilderness without the Africans. I do not think that the white man would have come to South Africa at all if there had been no Native races.

that can proceed from the heart. It never can be that mere intellectual or mere physical strength can ever supersede the heart-strength or, as Ruskin would say, social affections. A quickening and quickened soul responds only to the springs of the heart.

That[1] is the difference between western and eastern civilization? I know that I am treading on very dangerous and delicate ground. We had the distinction given to us by so great an authority as Lord Selborne only a short time ago, and I have very humbly and very respectfully to differ from His Excellency's views.[2] It appears that western civilization is destructive, eastern civilization is constructive. Western civilization is centrifugal, eastern civilization is centripetal. Western civilization, therefore, is naturally disruptive, whereas eastern civilization combines. I believe also that western civilization is without a goal, eastern civilization has always had the goal before it. I do not mix up or confuse western civilization with Christian progress. I decline to believe that it is a symbol of Christian progress that we have covered a large part of the globe with the telegraph system, that we have got telephones and ocean greyhounds, and that we have trains running at a velocity of 50 or even 60 miles per hour. I refuse to believe that all this activity connotes Christian progress, but it does connote western civilization. I think western civilization also represents tremendous activity, eastern civilization represents contemplativeness, but it also sometimes represents lethargy. The people in India, the people in China—I leave Japan for the time being—having been sunk in their contemplative mood, have forgotten the essence of the thing, they have forgotten that, in transferring their activity from one sphere of life to another sphere of life, they had not to be idle, they had not to be lazy. The result is that immediately they find an obstacle in their way, they simply sit down. It is necessary that that civilization should come in contact with that of the West, it is necessary that that civilization should be quickened with the western spirit. Immediately that fact is accomplished, I have no doubt also that the eastern civilization will become predominant, because it has a goal. I think you will see easily that a civilization or a condition in which all the forces fly away from the centre must necessarily be without a goal, whereas those which converge to a point have always a goal. It is then necessary for these two civilizations to meet and we shall have a different force altogether, by no means a menacing force, by no means a force that disunites, but a force that unites. The two forces are undoubtedly opposing forces, but perhaps in the economy of nature both are necessary. Only we, as intelligent human beings with heart and soul, have to see what those forces are, and

[1] Misprint for "What"?

[2] *Vide* "Lord Selborne's View", pp. 169-70.

tions under which British Indians are called upon to live, sweep away the condition that they cannot own a patch of land which they can call their own, that they cannot live, and move, and have their being on God's earth in South Africa with any degree of freedom, self-respect and manliness, and they will realize that in Rome they must live as the Romans do, and will respond to every real and reasonable call that can be made upon them by the white man; but I ask you to be patient with them just as you would be patient with any fellow-man. Treat him as a real, live human being, and you will have no such thing as the Indian question in the country. Please do not forget I do not advocate that there should be absolutely free immigration. On the contrary, I have always said, and British Indians admit, that there may be regulation of immigration, but never based on colour. Anyone who is accepted as an immigrant ought to be entitled to all the rights that a man who lives in the country should possess. Whether he should have political rights or not is another question. I am not here today to discuss the political question at all. But there should be no two opinions as to whether he may live freely without being restricted, move freely without being restricted, own land, or trade honestly.[1] British Indians and Englishmen have come together by Divine Providence. I may add, and I believe it is true, that, when the British occupied India, it was not owing to humanitarian grounds, but that the act was selfish and often tinged with dishonesty. But Nature's ways are inscrutable. She often unmakes what man makes and produces good out of evil. Such is, in my opinion, the case with the British connection with India. I believe that the two races, the British and the Indian, have been brought together, not only for their own mutual advantage, but to leave an impress on the history of the world. Believing that, I also believe that it is well for me to be a loyal subject of the Empire, but not I hope a member of a subject race. I trust it is the mission of the English race, even where there are subject races, to raise them to equality with themselves, to give them free institutions and make them absolutely free men. If that be the mission of the Empire, the mission of the British race, then is it not as well that the millions of human beings should be trained for self-government? If we look into the future, is it not a heritage we have to leave to posterity, that all the different races commingle and produce a civilization that perhaps the world has not yet seen? There are difficulties and misunderstandings, but I do believe, in the words of the sacred hymn, "We shall know each other better when the mists have rolled away."

Indian Opinion, 6-6-1908
13-6-1908

[1] *Vide* Vol. VI, p. 251.

General Smuts' Reply

General Smuts sent the following reply[1] to this:

> Your letter was duly received. General Smuts does not agree with your interpretation of the terms of the settlement. Indians who may come in now must apply for registration [under the law]. General Smuts hopes, therefore, that you will use your influence to persuade fresh Indian entrants to apply for registration accordingly.

Reply

In reply to this, Mr. Gandhi wrote as follows:[2]

Further Reply from General Smuts

This is as under:[3]

> Your letter was duly received. Even after further consideration, General Smuts is unable to depart from the position he has taken.

This is a frightful reply, and suggests foul play. It is not in itself a serious matter that a score or so of Indians who have recently returned from home are not allowed to take out certificates voluntarily. That would not be a sufficient cause for panic. What causes apprehension is that the roots of this go much deeper. The obnoxious law has to be repealed now. It must be repealed. If it is not, the consequences are likely to be unpleasant. We shall remain where we were. Mr. Gandhi wrote very frankly to General Smuts. The brief reply to this letter merely announced that his demand would not be accepted. Nothing was said about whether or not the law would be repealed.

Interview with Cartwright

Mr. Cartwright has been at every stage associated with the settlement as a mediator, so that there is no need to be apprehensive [on his score]. Since Mr. Cartwright is an honest man, we may depend on his doing his best. What if, in spite of all, General Smuts does not come round? The Transvaal Indians must answer this question to themselves courageously. Mr. Gandhi has had an interview with Mr. Cartwright and the two of them intend to see General Smuts.[4] Everything will depend on the result of the interview.

What Is This Settlement?

If, however, it is established that the Government has in fact played foul, one may ask what kind of a settlement this is. But those who

[1] & [3] These letters were from the Private Secretary to General Smuts.

[2] For text of the letter, *vide* "Letter to E. F. C. Lane", pp. 231-2.

[4] The original here is not clear on whether Cartwright was also to meet General Smuts. In fact, he was not present at the meeting between Gandhiji and General Smuts which took place on June 6, 1908; *vide* "Johannesburg Letter", pp. 284-5.

Warning

But I hope that no Indian will henceforth go to the Registration Office to take out certificates under the law.

Municipal Bill

The draft Municipal [Consolidation] Bill published in the *Gazette* confers the following powers on municipalities.

1. To lay out Locations for Asiatics, and to transfer them from one site to another as may be deemed fit. In case of such transfer, compensation must be paid for losses on account of buildings.
2. Municipalities may refuse to grant any licence which it is within their power to grant. If a licence is refused, the applicant shall be entitled to appeal to a magistrate. Licences can be withheld if the premises are unsatisfactory or the applicant has been previously convicted [three times within the three years immediately preceding his application].[1]
3. It will be entirely within the discretion of a municipality to grant or refuse a licence to a hawker. In the event of refusal, there shall be no appeal against the decision of the municipality. This means that hawkers will be at the mercy of the municipalities.
4. If this Bill is approved, it will mean the complete elimination of Indians from the Transvaal. The Association intends to make a representation on this question. I hope to give a translation of the petition next week.[2]

Assault on Essop Mia

At 2 P.M. on Sunday, Mr. Essop Mia, Chairman of the British Indian Association, was proceeding to the Location to attend a dinner party when a Pathan struck him on the back with a heavy stick. He turned round and was hit on the face, the blow breaking the bridge of the nose. Blood gushed out. Mr. Essop Mia became unconscious and fell down. Mr. Moosa Ebrahim Patel and Mr. Cachalia tried to seize the Pathan, the former receiving injuries in the attempt. Meanwhile, Mr. Essop Mia got on his feet and took hold of the assailant. Mr. Camay happened to come [on the scene] and whistled for the police, who rushed to the spot and arrested the assailant. The other Pathans, who had struggled free, ran away.

Mr. Essop Mia was in severe pain. He was bleeding. Nevertheless, he went straight to the Police Station and then to Dr. Gilchrist. The doctor bandaged him. The nasal bone has been set, and it is expected that the setting will be successful. The injury on the back, too, is severe. The front teeth are shaky, but there is no reason to fear loss of the teeth.

[1] From the text of the Bill in *Indian Opinion*, 23-5-1908

[2] This does not appear to have been done.

calls for presence of mind rather than strength. We in India have become cowardly. It is not courage to let ourselves be beaten up because of fear. We do not even dare to raise the stick. This is not right at all, and as long as this cowardice is not overcome, we shall not develop courage. It is therefore my considered advice that, if we can develop real courage, we may suffer assault rather than turn away from our duty out of fear of violence. If, however, such courage is beyond our reach, we must learn to keep the stick with us and be prepared to defend ourselves with it.

This is also part of satyagraha. A satyagrahi will adhere to truth to the last. If we want to be satyagrahis, we must have the courage to range ourselves against the Government or our own community, if necessary, and courage consists in being fearless. We must be fearless about everything. We must have no fear of violence to our person or of loss of money. We may even lose the good opinion of others. We may let everything go. But we must not allow truth to forsake us. This and this alone is fearlessness.

I know for certain that a large number of Pathans do not approve of acts of violence. But they do not declare this in public, holding back again for fear of being themselves assaulted. If these Pathans chance to read what I have written, I suggest to them that they also show true courage and declare in public that they do not approve of these things.

[From Gujarati]
Indian Opinion, 23-5-1908

140. LETTER TO REGISTRAR OF ASIATICS

[JOHANNESBURG,]
May 21, 1908

THE REGISTRAR OF ASIATICS
PRETORIA

SIR,

Re. Mahomed Balim E/7512

These papers have been sent by Mr. Mahomed Balim to me. I see that you have declined to consider the case on the strength of Acts 2 and 15 of 1907. May I, however, venture to place the special circumstances of the case before you. Mr. Mahomed Balim has been trying practically ever since 1905 to get permission to enter the Colony. He is one of the very few British Indians who paid £25 as the price of his residence in the Transvaal before Law 3 of 1885 was amended. He

dissatisfied Indians simply hang around him. The delay in making the announcement about the repeal of the Act and the decision not to accept voluntary registration have simply strengthened the hands of these men. You will add to the peace of mind of well-behaved Indians by giving the assurance about the Act, accepting voluntary registration from those who now arrive, and by dealing with the fanatic I have mentioned either by way of deportation or by treating him as a prohibited immigrant under the Immigrants' Restriction Act. I believe he possesses no documents.

This letter I have ventured to make very personal and absolutely frank. May I ask you to reciprocate the frankness? I have been naturally talking to Mr. Cartwright, who has acted as the intermediary, and Mr. Cartwright has been passing along messages, but the gravity of the situation makes it imperative that I should make this very personal appeal to you.

Yours etc.,

J. C. SMUTS, ESQ.
COLONIAL SECRETARY
PRETORIA

From a photostat of the handwritten office copy: S. N. 4816

142. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
May 21, 1908

CHI. MAGANLAL,

I have received your letter. You need not worry about me. I think I shall have to sacrifice myself. I do not believe that Smuts can play foul to the end. But it gives an opportunity to those who have reached the limits of their patience and are ready to strike at me. If that should happen, we need not be unhappy. If I have to give my life for a cause which I consider to be good, what better death can there be?

If God found it fit to take away Gokaldas, why should the idea of death make us sorrowful? This world is transient. If, therefore, I leave this world, why should one be worried on that account? It should be enough to wish that nothing improper is done by me as long as I live. We should of course be careful that we do nothing improper even by mistake. True, I have not yet reached the stage when I can attain liberation but I do believe that if I leave this body while treading

144. *ESSOP MIA*

Indians everywhere in South Africa will be shocked at the brutal assault on Mr. Essop Mia. If we look for the reason for the assault, we find it has hardly any significance. The assailant appears to be an altogether illiterate person. The assault will bring discredit on the Indian community. It proves that we are politically immature. It is a sign of barbarism to resort to force in order to settle accounts.

We extend our sympathy to Mr. Essop Mia. He has rendered the community great service. The assault on him has added to the value of his service. It is not surprising that such things should happen, for we are still novices. We should learn to submit to violence for the sake of the community and truth. We will have to learn even to die for it. There may even be murders in the community. But without such incidents, the community will not develop mettle; it will make no progress. The tie of blood is a strong one indeed. The man who dies for truth does not forsake service [of the cause] even at the moment of death, for it is our firm conviction that even after death his soul continues to serve. It is according to this line of reasoning that we congratulate Mr. Essop Mia on his courage.

As for the misunderstanding that persists among the Pathans, we may point out to them that they have been overdoing things. It will be well if there can be an end to this.

[From Gujarati]
Indian Opinion, 23-5-1908

145. *SARVODAYA* [*-II*]

Roots of Truth

I do not doubt the conclusions of the science of economics [if its premises are accepted]. If a gymnast formulated laws on the assumption that man is made only of flesh without a skeleton, those laws might well be valid, but they would not apply to man, since man has a skeleton. In the same way, the laws of political economy may be valid but they cannot apply to man, who is subject to affections. A physical-culture expert may suggest that man's flesh be detached [from the skeleton], rolled into pellets, and then drawn out into cables. He may then say that the re-insertion of the skeleton will cause little inconvenience. We should describe such a man as a mad-cap, for the laws of physical culture cannot be based on the separation

principle of profit and loss. Justice must provide the basis. Man must give up, therefore, all thought of advancing his interests by following expediency regardless of moral considerations. It is not always possible to predict with certainty the outcome of a given line of conduct. But in most cases we can determine whether a certain act is just or unjust. We can also assert that the result of moral conduct is bound to be good. We cannot predict what that result will be, or how it will come about.

Justice includes affection. The relation between master and operative depends on this element of affection. Let us assume that the master wants to exact the utmost amount of work from his servant. He allows him no time for rest, pays him a low wage, and lodges him in a garret. In brief, he pays him a bare subsistence wage. It may be argued that there is no injustice in all this. The servant has placed all his time at the master's disposal in return for a given wage, and the latter avails himself of it. He determines the limits of hardship in exacting work by reference to what others do. If the servant can get a better place, he is free to take it. This is called economics by those who formulate the laws of supply and demand. They assert that it is profitable to the master thus to exact the maximum amount of work for the minimum wage. In the long run, the entire society will benefit by it and, through the society, the servant himself.

But on reflection we find that this is not quite true. This method of calculation would have been valid if the employee were a mere machine which required some kind of force to drive it. But in this case the motive power of the servant is his soul, and soul-force contradicts and falsifies all the calculations of the economists. The machine that is man cannot be driven by the money-fuel to do the maximum amount of work. Man will give of his best only when his affections are brought into play. The master-servant nexus must not be a pecuniary one, but one of love.

[From Gujarati]

Indian Opinion, 23-5-1908

147. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,]
May 26, 1908

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

Mr. Gandhi has just explained to me that it is the intention of the Government to legalize voluntary registration under the Asiatic Act and to make it applicable to Asiatics who have voluntarily registered, save for the penalties for non-registration under it hitherto. I beg to state that Mr. Gandhi, when, after the interviews with you, he explained the compromise to the British Indian community, gave a totally different version. He declared emphatically before vast audiences that, if the community represented by my Association accepted voluntary registration, the Asiatic Act would be repealed. The news now given by Mr. Gandhi, therefore, comes to the British Indian community as a most disagreeable surprise. The documents exchanged between you and Mr. Gandhi, in my humble opinion, also bear out the version given by the latter.

In this connection, I wish to draw the attention of the Government to the fact that the leaders of the Asiatic community, with much personal risk to themselves, endeavoured throughout the last three months unceasingly to help the Government to identify the British Indians resident in the Transvaal. The least, therefore, that my Association had a right to expect was a scrupulous regard for the part of the compact to be carried out by the Government. But, as I understand from Mr. Gandhi, you have irrevocably taken the step and stated that the new legislation that is to be passed will be merely to legalize registration under the Asiatic Act.

It will be the duty of my Association, therefore, again most reluctantly to take up the position that it occupied three months ago. My Association is advising British Indians in the Transvaal to withdraw their applications for voluntary registration and all documents lodged with Mr. Chamney. This was an act done by the community as a matter of grace and in order to show the Government its complete *bona fides*. It is impossible for the community to do otherwise than what I have above indicated, for the simple reason that it was never the intention to submit to an Act which the community was bound by a solemn obligation not to accept and moreover to strive to resist.

In conclusion, I venture respectfully to point out that the departure by the Government from the original intention and undertaking given

before the prisoners read that "to all who so register the penalties of the Act be not applied".[1] Knowing what I was doing, I deliberately struck off the words "the penalties of" in order that, even if the bulk of the Asiatics did not accept the compromise, those who did so might in any case be exempted from it entirely.[2] In proposing to legalize voluntary registration under the Act, therefore, General Smuts not only departs from the promise made by him to me but also from his acceptance of the letter above quoted.

The decision of the Government not to accept voluntary registration from the domiciled Asiatics now returning from Asia also means, in my opinion, a breach of the spirit of the compromise if not of its letter. This unfortunate decision shows that the General has failed entirely to appreciate the essence of the late struggle now about to be revived. It was never to obtain individual rights but to preserve and assert the communal rights and self-respect of Asiatics.

Under the circumstances, there is no course left open to me but the one I have now adopted. I am once more prepared, as a loyal citizen, to submit to the punishments involved in non-submission to the Asiatic Act. The compromise was never accepted by me or my fellow-workers to escape personal hardships but to show the reasonableness of our struggle. I propose to ask my brother-Asiatics to follow the same course that I have adopted.

You will, I have no doubt, perceive the gravity of the situation and comply with my request on or before Friday next.[3] This gives you time, should you desire it, to consult General Smuts by wire as to my letter. I am sure you will see that you have no legal right to the documents, including the application, possessed by you and which were given to you only as a matter of grace, and not in virtue of any law.

I am,
Yours faithfully,
M. K. GANDHI

Indian Opinion, 30-5-1908

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.
[2] That is, exempted from Act 2 of 1907 entirely
[3] Chamney did not reply at once. Gandhiji sent Smuts a telegram asking for the immediate return of his registration papers. This, however, is not available. *Vide* "Johannesburg Letter", p. 297.

spirit the compact with the Asiatic communities, I will be pleased to return the documents.

Till then I propose to keep them myself.

I am,
Yours faithfully,
IMAM A. K. BAWAZEER
CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY

Indian Opinion, 30-5-1908

150. LETTER TO M. CHAMNEY[1]

[JOHANNESBURG,]
May 26, 1908

M. CHAMNEY, ESQ.
COLONIAL OFFICE
PRETORIA

DEAR SIR,

I understand from Mr. Gandhi that it is the intention of the Government not to carry out the contract come to with the Asiatic communities. I am fully aware of the contents of the letter signed by me in conjunction with Messrs Gandhi and Naidoo, and it was explained sufficiently that the Act was never to apply to those who registered themselves voluntarily. The only reason we accepted the compromise was in order to bring about the repeal of the Asiatic Act, and of that I and my fellow-prisoners were sure, because we were sure of the honesty of the community to which I have the honour to belong and, therefore, also that voluntary registration would be gladly accepted by the people.

I have now to ask you to be kind enough to return my voluntary application form as also other documents in your possession; and, should the Government ever intend to carry out the compact come to with the Asiatic communities through General Smuts, I shall be pleased to return the documents. I have read Mr. Gandhi's letter addressed to you, and I associate myself entirely with the sentiments expressed therein.

I am,
Yours faithfully,
LEUNG QUINN
CHAIRMAN,
TRANSVAAL CHINESE ASSOCIATION

Indian Opinion, 30-5-1908

[1] An identical letter, also presumably drafted by Gandhiji, was sent on the same day to Chamney by Naidoo.

week] from *Free India*, a journal of recent origin, are relevant in this context. The same harsh treatment that is our lot here is being meted out to Indians in Canada. Most of the Indians who have settled in Canada hail from the Punjab. They have started this journal in order to seek redress of their grievances. Their writings evidence great courage.

Thus, Indians in different parts of the world are waking up. If they cultivate unity, real courage and truthfulness, they may be assured of easy success. However, impatience will not make the mango tree put forth its fruit sooner.[1]

[From Gujarati]
Indian Opinion, 30-5-1908

152. *JOHANNESBURG LETTER*

Beginning of Satyagraha

I said last week that General Smuts might play foul. It has now been proved that there has been foul play. It is known for certain that he has no intention of repealing the obnoxious Act. The Government has not yet made the news public, but it has spread in the Indian community, and everyone's blood is up. It would appear that the campaign has had a good beginning. We shall now get to know all about voluntary and compulsory [registration]. Mr. Essop Mia has addressed the following letter[2] to the Government.

Letter to Chamney

Mr. Gandhi has written the following letter[3] to Mr. Chamney.

Imam Abdool Kadir's Letter

Mr. Imam Abdool Kadir Bawazeer has written to Mr. Chamney as follows:[4]

> Mr. Gandhi has informed [me] that it is the Government's intention to legalize voluntary registration under the Asiatic [Registration] Act. While explaining the compromise Mr. Gandhi had stated emphatically that, if the Indian community took out registers voluntarily, the Government would repeal the Act. Since the Act will now not be repealed, it is impossible for me to submit to it. If I submit to a law which I am bound by a solemn obligation to

[1] A Gujarati saying

[2] For the English text of the letter, *vide* "Letter to Colonial Secretary", pp. 260-1.

[3] For the English text of this communication, *vide* "Letter to M. Chamney", pp. 261-2.

[4] *Vide* also "Letter to M. Chamney", pp. 263-4.

had bound ourselves to register voluntarily. We made the offer of voluntary registration to prove our *bona fides*. Now these have been established for the most part. We can therefore raise our demands when a fresh settlement is negotiated. To my mind we shall be justified in advancing the following demands:

(1) Those who hold valid registers from the Dutch period should be entitled to register voluntarily.

(2) Those who have entered openly, but with permits, and have lived here for some time should be entitled to registration certificates.

(3) Those who can prove to the satisfaction of a court that they are refugees should be permitted to enter.

(4) No laws should be enacted to deprive a subject of his personal liberty exclusively on the basis of the colour of his skin.

(5) Educated Indians should be allowed to come in even if they are fresh entrants.

I do not think our campaign will reach a stage when we will be able to put forward these demands. Be that as it may, the struggle that has now been resumed cannot but be advantageous to the Indian community.

Meeting of British Indian Association Committee

A meeting of the Committee was held on Wednesday. Mr. Gandhi's office was crowded to capacity. Mr. Essop Mia attended the meeting with a gum plaster on his nose and took the chair. Mr. Gandhi explained the position at length.[1] The steps already taken as indicated above were approved. Everyone agreed that the satyagraha campaign should be resumed.

Circular Letter

The following letter has been circulated to all [the Town committees] in the Transvaal.

> It is now certain that the Government will go back on its word about voluntary registration and the new law. Ignoring his written assurance, General Smuts has stated that the proposed Bill will only legalize voluntary registration that has taken place under the new Act. To exploit voluntary registration in this manner is plainly foul play. General Smuts now wants to gull us by putting a wrong construction on the promise which he gave in writing.
>
> We need not be alarmed by this double-crossing. Since our cause is just, we have reason to believe that this double-crossing can only be to our advantage, if anything.

[1] The text of Gandhiji's speech at this meeting is not available.

less invalid. A servant who rewards kindness with negligence will become vengeful when treated harshly. A servant who is dishonest to a liberal master will be injurious to an unjust one.

Therefore, in any case and with any person, this unselfish treatment will yield the most effective return. We are here considering affections only as a motive power. That we should be kind because kindness is good is quite another consideration. We are not thinking of that for the present. We only want to point out here that not only are the ordinary laws of economics, which we considered above, rendered nugatory by the motive power of kindness—sympathy—but also that affection, being a power of an altogether different kind, is inconsonant with the laws of economics and can survive only if those laws are ignored. If the master is a calculating person who shows kindness only in expectation of a return, he will probably be disappointed. Kindness should be exercised for the sake of kindness; the reward will then come unsought. It is said that he who loses his life shall find it, and he who finds it shall lose it.[1]

Let us take the example of a regiment and its commander. If a general seeks to get his troops to work in accordance with the principles of economics, he will fail. There are many instances of generals cultivating direct, personal relations with their men, treating them with kindness, sharing their joys and hardships, ensuring their safety —in brief, treating them with sympathy. A general of this kind will be able to exact the most arduous work from his troops. If we look into history, we shall rarely find a battle won where the troops had no love for their general. Thus the bond of sympathy between the general and his troops is the truest force. Even a band of robbers has the utmost affection for its leader. And yet we find no such intimate relation between the employer and the employees in textile mills and other factories. One reason for this is that, in these factories, the wages of the employees are determined by the laws of supply and demand. Between the employer and the employee there obtains, therefore, the relation of disaffection rather than of affection, and instead of sympathy between them we find antagonism. We have then to consider two questions: one, how far the rate of wages may be so regulated as not to vary with the demand for labour; second, how far workmen can be maintained in factories, without any change in their numbers irrespective of the state of trade, with the same bond [between workmen and employer] as obtains between servants and master in an old family, or between soldiers and their commander.

Let us consider the first question. It is surprising why economists do nothing to make it possible for standards of payment for factory

[1] *St. Matthew*, Ch. X, *v.* 39

154. LETTER TO "INDIAN OPINION"[1]

[JOHANNESBURG]

THE EDITOR
INDIAN OPINION

SIR,

Though everyone knows that I write a great deal for the Gujarati section of this journal, it is rarely that I do so under my signature. Here is another occasion for me to write under my name.[2]

When I saw Mr. Cartwright last Saturday, he showed me Mr. Smuts' letter in which he has said that the proposed Bill was intended only to legalize voluntary registration. The Bill will provide for Indians who have taken out registers voluntarily to be exempted from the penalties in the new law for breach of its provisions. For all the other purposes, they too will be subject to that law. This is double-crossing, pure and simple. Though not dead yet, we are as good as dead. This need not be so, however, if our cause is just.

'The law, it was said, was sure to be annulled. What has happened to all that talk? What has come of Mr. Gandhi's words? What will he have to say for himself now? How will he face the Indians?' I hear those questions echoing in my ears.

Even now I say that the law will be repealed, provided the Indian community carries through the satyagraha campaign. I stand by my words. There is no reason for me to feel so ashamed that I cannot face my brethren. I need be ashamed if I myself betray the cause. There is nothing that can be gained through deception. Neither will Mr. Smuts gain anything thereby. It is undoubtedly true, as I said earlier, that there exists a written document.[3] If Mr. Smuts chooses to give a perverse reply about this letter, that does not prove that I was to blame [for having agreed to the compromise in the first instance].

I remember the warning given by a large number of Indians and whites. They told me not to trust General Smuts. I trusted him up to a point. There is nothing else one could have done. That is how political affairs always have been, and will be, conducted. When the two parties to a settlement know their strength, foul play can avail little. I believe the strength of the Indian community consists in its truth. General Smuts' falsehood will prove unavailing in the face of that truth.

[1] This was published under the title "From A Correspondent: Mr. Gandhi's Letter".

[2] For an earlier letter in the same strain, *vide* "A Brief Explanation", pp. 99-101.

[3] *Vide* "Letter to Colonial Secretary", pp. 40-2.

156. *JOHANNESBURG LETTER*

[Before *May 30, 1908*]

HAWKERS, LOOK OUT!

There is a journal called *De Transvaaler* published in English and Dutch from Johannesburg. It has attacked Indians hawking vegetables. I give below an extract from the journal's comments:

> White women continue to patronize Indian hawkers selling vegetables. This is detrimental to white interests. Seven Indians were fined in February for storing their vegetables in bedrooms. The municipality did not confiscate the stocks, though it had the right to. In Jubilee Street, there are three latrines in front of Nathanson's house, one of which is used as a urinal, another as a lavatory and the third for stocking vegetables. Will any woman who knows of this and values cleanliness buy these vegetables? Moreover, there are two municipal stables which the coolies use for sleeping in and for storing their vegetables. Inspectors should go round at night to detect the offenders.

This is what the journal says. True, much of it is exaggeration. But it is undoubtedly true that some hawkers live in unclean surroundings, are dirty of person and store the vegetables in dirty places. If they do not improve, it may be taken for granted that in course of time no Indian hawkers will be left in this country. These reports of our uncleanliness come at a time when proposals are being mooted for legislation on hawkers' licences. I have earlier suggested that, if they stop issuing licences to hawkers, the latter can successfully resort to satyagraha. But in satyagraha, it must be remembered, truth must not be forsaken. I think it unfair that the hawkers do not adhere to [proper standards of] cleanliness or that they store vegetables in unclean places; and what is unfair is contrary to truth.

Monday [*June 1, 1908*]

SATYAGRAHA CAMPAIGN

This campaign cannot yet be said to have really started. But it may be claimed the foundations have been laid. In reply to Mr. Gandhi's notice[1], Mr. Chamney wrote that a reply to the request for the return of the applications would be sent after General Smuts' return from the Cape. Mr. Gandhi sent a telegram[2] saying that this was not a matter

[1] *Vide* "Letter to M. Chamney", pp. 261-2.

[2] Not available

Islamic Society has accordingly written to say that non-Muslims must not be buried there. On Friday, a deputation in this connection waited on the Chairman of the Park Committee near the cemetery. It consisted of Moulvi Ahmed Mukhtiar, Imam Kamali, Imam Abdool Kadir, Mr. Abdul Gani[1], Mr. Shahabuddin and Mr. Gandhi. The deputation met the Park Committee on Monday at half-past three. This time, it included Mr. Abdul Gani, Imam Kamali, Imam Abdool Kadir and Mr. Gandhi. They placed the whole position before the [entire] Committee and requested it to consider the matter.

Good Use of Gifts

Mr. Polak had received a gift of £50 from the British Indian Association in connection with the last campaign. Instead of spending the money on themselves, Mr. Polak and Mr. Isaac [who received a similar gift] decided to use it for the [benefit of the] Indian community. Accordingly, Mr. Polak has sent the amount as a gift to Joseph[2] who is passing through a difficult time in England and has had to stop his work due to lack of funds. Mr. Isaac decided to spend the sum received by him to further the cause of Indian education, and has done so. I have already referred to the gifts received by Mr. Doke and Mr. David Pollock.[3] They have decided to use them in the cause of Asiatic education. This way of using one's gifts clearly deserves to be admired and emulated.

Wednesday [June 3, 1908]

News has been received today that, most probably, General Smuts will repeal the Act. There has so far been no intimation from the Government. But all the white leaders are still discussing the question.

[From Gujarati]
Indian Opinion, 6-6-1908

[1] A businessman who was for some time chairman of the British Indian Association

[2] Joseph Royeppen; born in Natal of indentured Indian parents; barrister-at-law and graduate of Cambridge University; was one of the five student-signatories to a representation to Lord Elgin against the Asiatic Law Amendment Ordinance and generally helped the Transvaal Indian Deputation during its stay in England; *vide* Vol. VI, pp. 78-80 & 259. Later became satyagrahi and went to gaol as unlicensed hawker; *vide Satyagraha in South Africa*, Ch. XXX.

[3] *Vide* "Johannesburg Letter", p. 162.

and surrendered much, in order to reach the goal. I have gathered also that you admit the Asiatic Act to be wholly bad, and that amendment of the Immigrants' Restriction Act is not an undesirable way of solving the problem. I once more remind you of what you told me at the interviews on the subject: that, if the Asiatics carried out their part of the compromise, you would repeal the Act. I know you added also that if there was one recalcitrant Asiatic who obstinately refused to take out a voluntary registration certificate you would enforce the Act against that Asiatic. As a matter of fact, within my knowledge, there is no such recalcitrant Asiatic left. But, if there were, I have taken the above expression to be purely theatrical to emphasize the fact that the vast majority of the Asiatics then resident in the Colony should abide by the compromise. This they have done.

Time is of the essence of the contract at the present moment, and I do hope that you will let me make a definite statement that the Act is to be repealed. Otherwise, I shall be reluctantly compelled to fall back upon my letter[1] to Mr. Chamney as to withdrawal of the application form. I am most anxious to avoid a situation of that character, but it is impossible to wait for the assurance till the first week of the opening of Parliament. If, therefore, you cannot give the assurance, and if you cannot return the application forms to those[2] who have written for their return, an application must be made to the Supreme Court for an order compelling the return of the documents.[3]

In an amendment of the Immigrants' Restriction Act, I venture to suggest that it will not at all satisfy the Asiatics if the question of people to remain in or enter the country is left to the discretion of an Administrative Officer. That, as in every other Colony, should be decided judicially.

The right of those who have paid a £3 fee to the old Dutch Government, I need hardly say, should be respected. There are many such already in the Transvaal with vested interests. They have also applied. These were contemplated, I am sure, by Mr. Patrick Duncan, when he first introduced his Bill, and their claim, in my opinion, ought not to be disregarded.

Mr. Lane wrote to me on Friday[4], saying that the letters of the 1st and 22nd February last addressed by me to you, being confidential, should not be published. As they constitute proof positive of my contention that you promised to repeal the Act, should you withdraw

[1] *Vide* "Letter to M. Chamney", pp. 261-2.

[2] Bawazeer, Quinn, Naidoo and others; *vide* "Letter to M. Chamney", pp. 261-2, 263-4 & 264 and "Johannesburg Letter", pp. 266-7.

[3] This was done on June 23, 1908.

[4] Lane, in fact, wrote on June 4. 1908, which was a Thursday.

160. CRIME WAVE IN NATAL

A correspondent draws our attention to the frequency of the recent murders in Natal. There have been, he says, seven murders within two weeks: one in Tongaat, two in Cato Manor, one in Springfield, one in Northdene and two in Durban. The correspondent adds that only in one of the seven cases have the police been able to apprehend the murderer. And that because the culprit gave himself up. The correspondent also reports an increase in the number of thefts.

This matter deserves attention. A people that aspires to the privileges of freedom must have the strength to defend itself. There are two ways of doing this. The first—a simple and straightforward though difficult way—is to reform ourselves, to avoid the creation of circumstances that occasion murder, not to hoard wealth, and to reform those with criminal propensities. Till the criminal improves, he must be allowed to commit as many murders as he likes. He will give up when he wearies of killing. Clearly, this is at once a divine and a natural law. As a people, however, we are not yet free to follow this course of not punishing a murderer. We shall not assert that a time will never come when all of us acquire enough courage to become indifferent to life and property, but only that it is improbable that this state of affairs will ever come about. History records no instance of this ever having happened among any people. However, instances are known of individuals who have acted in that manner.

If we cannot adopt this course, there is another which we, as a people aspiring to be free, ought to know about—that of countering force with force. We should become strong enough to defend life and property. Of course, protection is provided by the Natal Government. But whites do not look on helplessly [when attacked by anyone]. They equip themselves with the means of self-defence. If anyone counters by saying that we are not allowed to keep arms or that we cannot have them when we need them, those excuses will not be valid. We can defend ourselves without weapons. It is a matter of training one's body and of skill. When we were attacked by the whites in America, we hid ourselves. When they attacked the Japanese, the latter armed themselves with sticks and bottles.[1] Many whites are able to defend themselves without so much as a revolver. Indians must learn to do likewise. This of course cannot happen in a day. 'While a fire is raging, what is the use of advising one ever so wisely that one should start

[1] The incident referred to took place in Canada; *vide* "Indians in Canada", pp. 206-7.

duty rather than desert it. During a plague epidemic, the physician must not run away [from his task] but instead attend to the patients even at the risk of infection. The priest must lead people from error to truth even if they should kill him for it. The lawyer must ensure, even at the cost of his life, that justice prevails.[1]

We pointed out above the proper occasions for members of the professions to lay down their lives. What, then, is the proper occasion for the merchant to lay down his life? This is a question which all, the merchant included, must ask themselves. The man who does not know when to die does not know how to live. We have seen that the merchant's function is to provide for the people. Just as the clergyman's function is not to earn a stipend but to instruct, so the merchant's function is not to make profits but to provide for the people. The clergyman who devotes himself to preaching has his needs provided for, and in the same manner the merchant will have his profits. But neither of them must have an eye only on the main chance. Both have work to do—each a duty to perform—irrespective of whether or not they get the stipend or the profit. If this proposition is true, the merchant deserves the highest honour. For his duty is to procure commodities of high quality and distribute them at a price which people can afford. It also becomes his duty at the same time to ensure the safety and well-being of the hundreds or thousands of men working under him. This requires a great deal of patience, kindness and intelligence. Also, in discharging these several functions he is bound, as others are bound, to give up his life, if need be. Such a trader would not sell adulterated goods or cheat anyone, whatever his difficulties or even if he was going to be reduced to utter poverty. Moreover, he will treat the men under him with the utmost kindness. Very often a young man taking up a situation with a big factory or commercial house travels a long way from home, so that the master has to accept the role of his parents. If the master is indifferent, the young man will be like an orphan. At every step, therefore, the merchant or the master must ask himself this question, 'Do I deal with my servants as I do with my sons?'

Suppose a ship's captain places his son among the common sailors under his command. The captain's duty is to treat all sailors as he would treat his son. In the same manner, a merchant may ask his son to work alongside of those under him. He must always treat the workers as he would then treat his son. This is the true meaning

[1] Ruskin found Beauty in "the appearance of felicitous fulfilment of function in living things, more especially of the joyful and right exertion of perfect life in man". (*Modern Painters*, Vol. II, Part III, Sec. I, Ch. 3.) Gandhiji, too, speaks of the beauty (ખૂબી) of satyagraha, which is "suffering undergone to exemplify Truth". To see Truth is to assent to it, and thus it helps Reason as a means of ordering social relations.

5. the Registration Office was to be re-opened;
6. no reference was made to religious susceptibilities.

In the letter mentioned above,

1. the Chinese were included;
2. it was provided that children under sixteen should not have to take out the new registers even on a voluntary basis;
3. it was provided that the Act would not apply to voluntary registrants; (The reader should note that there is a great deal of difference between "the Act would not apply [to those who register voluntarily]" and "[they] would not be subject to the penalties of the Act".)
4. those who came after the date of the settlement were also given the right to apply for voluntary registration;
5. the "reopening of the Registration Office"[1] was capable of two interpretations. We therefore wrote "[in order] to accept" registration;
6. reference was made to religious susceptibilities to point out that they must be respected.

If now we remember that, since the number of those who have applied for voluntary registration is very large, the Act ceases to have any meaning, it will be noted that the repeal of the Act was implied [in our letter].

Reply from General Smuts

General Smuts sent the following reply to this:[2]

What This Means

In this letter General Smuts accepted unconditionally [the terms contained in] the prisoners' letter. It therefore implied acceptance of the condition that the voluntary registrants would not come within the scope of the law, from which it is clear that, if all the Indians or a majority of them took out these registers, the law would have to be repealed.

Moreover, after his meeting with General Smuts on February 1, Mr. Gandhi wrote to him. He was then invited to [go to] Pretoria on the 3rd. On this occasion, too, the repeal of the Act was discussed and later, on the 22nd, Mr. Gandhi sent a draft Bill[3] in this connection to General Smuts. All this is probably known to the reader. There is no doubt therefore that there exists a written commitment about the repeal of the Act. General Smuts wanted to go back on it, but we

[1] What Gandhiji actually did was to change "reopen registration" into "accept registration"; *vide* footnote 6, p. 41.

[2] As the English text of this letter, which was from the Acting Assistant Colonial Secretary, is reproduced in full earlier (p. 65), it has not been retranslated here.

[3] *Vide* enclosure to "Letter to General Smuts", pp. 103-4.

wise he will have to return the applications [for voluntary registration]. Mr. Gandhi wrote the following letter to him on Saturday.

That is the position up to Monday evening.

[From Gujarati]

Indian Opinion, 13-6-1908

163. LETTER TO H. L. PAUL

JOHANNESBURG,
June 11, 1908

DEAR MR. PAUL,

Mr. Louis Joseph[1] writes to me that you are now interesting yourself in Joseph Royeppen. If you can make a collection, it will be rather good, because Joseph will certainly want some more money. Collection here is still going on. What is more, if the collection is made, it can be handed to Mr. Polak, because Mr. Polak has not irrevocably given the £50.[2] He expects Joseph to return it, so that the money can be used again for a useful purpose.

Ward Angie[3] has evidently forgotten her guardian entirely. She perhaps thinks she is no longer fit to be a ward, but tell her not to forget that it was not long ago when she had to be carried on the joint arms of Mr. Isaac and myself a good distance.

Yours sincerely,
M. K. GANDHI

H. L. PAUL, ESQ.[4]
CHIEF MAGISTRATE'S OFFICE
DURBAN

From a copy of the original: C.W. 4547. Courtesy: Eugene Joseph Paul, Pietermaritzburg

[1] Brother-in-law of Joseph Royeppen

[2] *Vide* "Johannesburg Letter", p. 276.

[3] The addressee's daughter

[4] An Indian interpreter in Magistrates' Courts in South Africa

Satyagraha provides the proper remedy against both the existing and the proposed legislation, and in satyagraha, unity is imperative. Every Indian must, therefore, don armour in order to join battle.

[From Gujarati]
Indian Opinion, 13-6-1908

165. OBNOXIOUS ACT IN RHODESIA

Dark clouds lour upon the Rhodesia Indians. New laws are about to be passed. For one thing, [there will follow] harassment of the Indian businessman and, for another, a Registration Act similar to the one in the Transvaal [is about to be enacted]. The intention thus seems to be to close in on the Indians from all sides. In Rhodesia also, it is essential that Indians should resort to satyagraha. Whether they can do this will depend upon their relations with the whites in that Colony, the number of Indians settled there,[1] what sort of people they are and other relevant factors.

It is also necessary that the Rhodesia Indians write to the South Africa British Indian Committee and contribute towards its funds. All of us have seen the invaluable work it has been doing.

We have seen a copy of the proposed Bill, which is modelled on the Transvaal measure. It is worse than the Transvaal Act, since it applies to women also. It lays down, moreover, that Indians will only have a period of six months after its promulgation in which to register themselves. We hear that Rhodesia Indians have decided to oppose this Bill. Even copies of a petition are ready. If they bring sufficient pressure to bear [on the authorities], the Bill will never be passed. It is their duty to act firmly.

This instance shows that we did well to fight in the Transvaal and that Indians should persevere in their campaign. The world over, the Asiatic and the European are engaged in a conflict. In this struggle, victory will go to the party that has right on its side. At the moment, truth appears to be on the side of the Asiatic.

[From Gujarati]
Indian Opinion, 13-6-1908

[1] An *Indian Opinion* editorial of the same date estimated this number at less than 500.

This person will require a servant. And if none of his neighbours is in need of gold, silver or corn, he will find it difficult to get one. He will then have to bake his bread, make his clothes and plough his field all by himself. This man will find his gold to be of no greater value than the yellow pebbles on his estate. His hoard of corn will rot. For he cannot consume more than his neighbour. He must therefore maintain himself by hard labour as other men do. Most people will not want to accumulate gold or silver on these terms. Careful reflection will show that what we really desire through acquisition of wealth is power over other men—[power] to acquire for our advantage the labour of a servant, a tradesman or an artisan. And the power we can thus acquire will be in direct proportion to the poverty of others. If there is only one person [in a position] to employ a carpenter, the latter will accept whatever wage is offered. If there are three or four persons who need his services, he will work for the person who offers him the highest wage. So that growing rich means contriving that as large a number of men as possible shall have less than we have. Economists generally assume that it is of advantage to the nation as a whole if the mass of people are thus kept in want. Equality among men is certainly not possible. But conditions of scarcity, unjustly created, injure the nation. Scarcity and abundance arising naturally make, and keep, the nation happy.

[From Gujarati]
Indian Opinion, 13-6-1908

167. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
June 13, 1908

DEAR MR. SMUTS,

With reference to the interview I had with you today, I trust you will excuse my trespassing upon your time and attention yet awhile. Until the Asiatic question, as far as it arises out of the Asiatic Act, is settled, I am obliged to approach you.

You doubt my full representative capacity, or, better still, the full representative character of the views submitted by me. I admit it only in so far as it affects those who, whilst the passive resistance struggle was going on, accepted the Asiatic Act. Even they do not differ from my views, but they, like the national scouts, intend to save their faces. But I hope, with your assistance, to have even them side by

[1] This was republished in *Indian Opinion*, 4-7-1908, and a copy was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

and who can be incontestably proved to be old residents should not have their claims considered. The definition of a refugee and the time limit provide against possible frauds.

I ask you to recognize the very great service rendered by the Indian community in giving finger-prints in the face of enormous odds, and to recognize also that the resident portion of the community did not avail themselves of the discretionary clause of the compromise, with reference to education and property qualifications. This was done in order to protect those few who were to come in future, and to show what grace, if I may use the term, Asiatic peoples are capable of. But I may state that they will never accept, so far as I am aware, anything in the nature of compulsion, when they can be otherwise completely identified. The idea is that ignorance or such other thing should be the basis of disqualification, and not race or colour.

The great principle that the Colonists have laid down, namely, that, in future, Asiatic immigration should be limited only to those who possess educational qualifications of a high order has been admitted. But those who are entitled to reside in the country will not accept the bar sinister[1]. And, if the question cannot be satisfactorily settled on the above, as I consider it, most reasonable basis, it is better that it is not settled at all.

I take it that, as you have promised, you will let me see the draft Bill before it is published.

I have informed the Committee of the Association that you have definitely promised to settle the matter next week. The Committee has, therefore, authorized me to postpone the filing of the affidavits[2] in the meanwhile.

I am,
Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
PRETORIA

India Office, Judicial and Public Records: 2896/08; also a photostat of the handwritten office copy: S. N. 4827(a)

[1] *Vide* Vol. VI, pp. 215 & 221.
[2] These were filed on June 23, 1908.

(c) The retention of the original law as to dealing in unwrought gold, in so far as it specially affects Coloured people, besides their coming under the general prohibitions of the law, assumes that Coloured people are the greater offenders in respect of this crime, whereas, in the humble opinion of the petitioning Association, the contrary is the fact, in so far as British Indians are concerned.

(d) Your Petitioner ventures to assert that Section 127 of the Bill is vaguely drawn and seems to contemplate entire prohibition of acquisition by British Indians of any rights under it. The prohibition, under the same Section, to holders of rights acquired previously to the Bill to transfer or sub-let such rights to a Coloured person makes the proposed law retrospective in its effect.

(e) Section 128 contemplates the compulsory segregation of British Indians residing within certain proclaimed areas, to wit, the entire Witwatersrand District, and, if approved by this Hon'ble House, would make it impossible for a very large number of British Indians even to remain in the Colony. Your Petitioner would remind this Hon'ble House that the large majority of British Indians resident in the Transvaal are to be found in the above-mentioned areas, whilst the principle of compulsory segregation of British Indians under penalty is a direct extension of existing disabilities by indirect means, which disabilities the petitioning Association has consistently protested against.

4. Your Petitioner ventures to assert that, inasmuch as these Sections are based upon race and class distinctions, they can never give satisfaction to the British Indian community. Moreover, such distinctions cast an undeserved slur upon the community that your Petitioner has the honour to represent, as they must inevitably raise in the minds of the white Colonists of the Transvaal, feelings of contempt and scorn towards British Indians, thus increasing the difficulties unfortunately standing in the way of a better understanding between the two communities.

5. In your Petitioner's humble opinion, restrictions of the kind above referred to obviously confer absolutely no privileges upon British Indians, but, on the contrary, deprive them of many rights and much esteem that they at present possess.

6. Your Petitioner further ventures to remind this Hon'ble House that the imposition of further disabilities upon the resident British Indian population of the Transvaal will enormously intensify the irritation and bitterness of feeling already existing in the minds of many millions of His Majesty's subjects in India.

7. Wherefore your Petitioner humbly prays that this Hon'ble House will be pleased to reject the provisions hereinbefore referred to,

4. In your Petitioner's humble opinion, the above provisions are open to serious objection on the ground that they are restrictive of the liberty of the subject, in that thereby it is sought to empower the municipalities:

(a) to set apart new Asiatic Bazaars, thus reasserting the principle of segregation of British Indians, a principle against which the petitioning Association [has] consistently protested;

(b) to close existing Asiatic Bazaars without consulting the convenience of those who may be thereby affected and without guaranteeing to them fresh sites equally valuable and convenient (such uncertainty of tenure, as this Hon'ble House will easily perceive, cannot but militate seriously against a settled and decent mode of life, and the erection of permanent and solid residential premises, by British Indians);

(c) to arbitrarily refuse certain licences, including hawkers' and pedlars' licences, without the right of appeal from their decisions, thus striking a deadly blow at the long established businesses of Indian merchants, traders, hawkers, pedlars, and others, threatening them with immediate ruin; the licences which come under this last provision, may, under the Bill, be arbitrarily refused to those who, today, have the right of appeal from the adverse decisions of municipalities;

(d) to indicate certain trades and businesses from which British Indians are excluded in any capacity, whether as would-be licensees or as employees, thus restricting their means of earning an honest livelihood;

(e) to frame regulations prohibiting British Indians respectably dressed and well conducted from travelling upon municipal tram-cars, thus imposing humiliation upon a highly civilized community and debasing it to the level of the aboriginal native of the country.

5. In your Petitioner's humble opinion, restrictions of the kind above referred to obviously confer absolutely no privileges upon British Indians, but, on the contrary, deprive them of many rights and much esteem that they at present possess.

6. Your Petitioner further ventures to remind this Hon'ble House that the imposition of further disabilities upon the resident British Indian population of the Transvaal will enormously intensify the irritation and bitterness of feeling already existing in the minds of many millions of His Majesty's subjects in India.

7. Wherefore, your Petitioner humbly prays that this Hon'ble House will be pleased to reject the provisions hereinbefore referred to,

Indian community, and that he had received a petition from [some] Indians requesting that the law be retained.

The Committee [of the British Indian Association] met on the same day at 11 o'clock. It was resolved at the meeting to wait for a week. The meeting was attended by Mr. Essop Mia, Chairman, and a large number of other Indians. It was also resolved that, if no final reply was received from General Smuts, a meeting should be held on Sunday, to which all the Indian [delegates] from outside Johannesburg should also be invited and that the matter should then be made public.

LETTER TO SMUTS

After the meeting, Mr. Gandhi wrote the following letter to General Smuts.[1]

How many of the demands made in this letter will be conceded depends on the community's courage.

Wednesday [June 16, 1908]

DISCUSSION ON ACT IN ENGLAND

There is a cable in today's papers saying that this question is being discussed in England, and another to the effect that it has been decided to repeal the obnoxious Act, and that committees have been set up in India to work for the protection of rights of Indians abroad. Sir Richard Solomon gave an incomplete reply [to a question] on this subject and said that the Asiatic Act would be amended, not repealed. I, for one, attach no importance to this reply.

The lesson to be drawn from the foregoing cable is that satyagraha has struck deep roots and will daily grow in strength. It also suggests that Mr. Ritch is ever active in England in the service of duty, without a moment's respite.

"PRETORIA NEWS"

Pretoria News says:[2]

> We understand that, according to General Smuts' promise to Mr. Gandhi, the Act will be repealed and that voluntary registration will be legalized under the Immigrants' [Restriction] Act. It will also contain a provision for appeal to a court of law. This amendment is to be made in response to suggestions from the Imperial Government.

This paragraph appears in the news columns. Commenting on it, the editor says:[3]

[1] This letter has not been re-translated. For the English text, *vide* "Letter to General Smuts", pp. 290-2.

[2] & [3] The translations that follow have been collated with the English texts in *Indian Opinion*, 20-6-1908.

finds its way to writers of anonymous letters, let them note that they are bringing disgrace on the Indian community.

HARASSMENT IN VOLKSRUST

Syed Mahomed, an Indian, was returning last week from Durban. He had with him the receipt for his application for voluntary registration. Since it did not have his thumb-impression, he was asked to detrain at Volksrust. Corporal Cameron fixed his bail at £10. But when he was taken to the sergeant, the latter refused him bail. Since it was a holiday, he had to remain in gaol for three days. He was then released. But who is to be held responsible for this harassment for three days? This question has a point for every Indian. The easiest and simplest way out of this is for Indians to take their courage in both hands and protest against every inconvenience they are put to. It is said that there was an Indian behind this ill-treatment meted out to Mr. Syed Mahomed. If this is true, it only bears out the saying that the axe cannot chop wood unless it has a wooden handle.

[From Gujarati]
Indian Opinion, 20-6-1908

171. TELEGRAM TO PRIVATE SECRETARY TO COLONIAL SECRETARY[1]

[JOHANNESBURG,
June 19, 1908]

[PRIVATE SECRETARY TO
COLONIAL SECRETARY
PRETORIA]

YES

[GANDHI]

From a photostat of a draft in Gandhiji's hand: S. N. 4828

172. CAUSE OF MURDERS IN NATAL

Following upon our article[2] on the murders committed among the Natal Indians, a correspondent states that the growing prevalence of adultery among Indians is the cause of these murders. He observes that [the cause of] most of these murders can be traced to women.

[1] This was sent at 7.40 p.m. to Smuts' Private Secretary in reply to the latter's telegram which said: "Can you please be at the Railway offices at 9.40 tomorrow to meet Mr. Smuts for a few minutes."

[2] *Vide* "Crime Wave in Natal", pp. 280-1.

these Acts amended. The Immigration Regulations have been published again in the *Gazette*. Many of the conditions that the laws stipulate are difficult to fulfil. It is the duty of the Cape Indians to fight against these laws. The same is true of the General Dealers' Act. If the Indian community in South Africa wants to live respectably, it should be prepared for suffering. In order to fight the hardships imposed on it by the Government, it should be prepared to accept [further self-imposed][1] hardships, or if it is content to live in ignorance—and filth—it should then accept oppression by the Government. One must be prepared to die in order to be able to live. And in order to win one's rights, one must do one's duty.

[From Gujarati]
Indian Opinion, 20-6-1908

174. MEMORIAL COLUMN IN JOHANNESBURG

We publish alongside of this, as a supplement to today's issue, a photograph[2] of a memorial column erected in Johannesburg. It was erected by public subscription at the end of the Boer War. At the moment, it is the only symbol in South Africa [that] perpetuates the memory of Indians there.

The first one is a close view of the column and the inscription on it. The second affords a view of the column amidst its surroundings. The photograph thus serves to give an idea of the elevation at which the column is built. Visible at some distance from the column is the boundary of Sir George Farrar's farm.

The column is of carved stone set in cement. It is fenced in with iron palings so as to avoid risk of damage to the inscription on the marble tablet set in it. The column is located near the Johannesburg Observatory (the department which studies atmospheric phenomena). That is to say, it stands atop the highest eminence in Johannesburg—thanks to the concerted efforts of the people.

The large marble slab is set on the eastern face of the column. It carries the following inscription:

> To the sacred memory of British officers and other ranks and Indian sepoys who laid down their lives on the fields of battle in South Africa between 1899-1902.

These lines are inscribed in Hindi, Urdu and English. A marble slab has been set on each of the other three faces of the column. The

[1] Here, a word in the original is indistinct.
[2] This should be "two photographs".

ment towards the debt]. Suppose now that the healthy man decided to make use of the documents in his possession. He would then find it possible wholly to abstain from work—that is, be idle. If he chose, he could exact further pledges[1] from the man who has recovered. No one can attribute any illegality to such a transaction. If now a stranger were to arrive on the scene, he would find that one of the two men had become wealthy and the other had lost his well-being. He would also see one of them passing his days in idle luxury and the other in want, though labouring hard. The reader will note from this that claiming the fruits of another's labour as of right leads to a diminution of real wealth.

Let us consider another illustration. [Suppose that] three men established a kingdom[2] and then they all lived separately. Each of them raised a different crop which the others could also avail themselves of. Suppose, further, that one of them, in order to save the time of all the three, gave up farming and undertook to arrange the transfer of commodities from one to the other, receiving in return a quantity of food-grains. If this man provided the [required] commodity[3] at the right time, all of them would prosper. Now suppose that he kept back some of the grain he was to transfer. Then suppose there set in a period of scarcity, and the middleman offered the stolen corn at an exorbitant price. In this way he could reduce both the farmers to poverty and employ them as labourers.

This would be a case of obvious injustice. This is, however, the way the merchants of today manage their affairs. We can also see that in consequence of this fraudulent practice the wealth of the three, taken collectively, will be less than it would have been if the [middle]man had behaved honestly. The other two farmers have done less work [than they could have]. Because they could not obtain the supplies they wanted, their labour did not fructify to the fullest, and the stolen commodities[4] in the hands of the dishonest middleman were not put to the most effective use.

We can therefore reckon with mathematical accuracy how far the estimate of a nation's wealth depends on the manner in which that wealth has been acquired. We cannot estimate a nation's wealth on the basis of the quantity of cash it possesses. Cash in the hands of an individual may be a token of perseverance, skill and prosperity, or of harmful luxuries, merciless tyranny and chicanery. Our way of estimating wealth not only takes into account the moral attributes [of the

[1] Pledges of bonded labour in return for the provision of the debtor's current needs

[2] "Republic" in *Unto This Last*

[3] Farming implements, seeds, etc.

[4] The food-grains and farming implements withheld by the middleman

177. LETTER TO THE PRESS[1]

JOHANNESBURG,
June 22, 1908

Various statements have appeared in the Press regarding the charge of breach by the Colonial Secretary of the compromise between the Government and the Asiatic communities. Hitherto, owing to the delicate nature of the negotiations that were going on between the Government and the Asiatic communities, it has not been possible to state the case before the public.

I am sorry to say that the negotiations came to an abrupt and unsatisfactory end today. I use the term unsatisfactory as applicable not merely to the Asiatics, but to the whole Empire. General Smuts was willing to repeal the offending Asiatic Act, which has cost the Asiatics treasures of money and much trouble, including incarceration of over two hundred innocent Asiatics, mostly British. This shows that General Smuts was, and still is, under promise to repeal the Act.

But if he was willing to carry out the letter of the compromise, he wanted to break the spirit of it. For it will not be argued that the material position of the Asiatics was, under and after the compromise, to be lower than under the Asiatic Act. Yet such was General Smuts' draft which I was today pained to study and, so far as I was concerned, to reject.

The draft measure proposed to treat the following as prohibited immigrants:

(a) Asiatics possessing educational qualifications prescribed by the Immigrants' Restriction Act.

(b) Asiatics, whether in or out of the Colony, holding Dutch registration certificates under Law 3 of 1885, for which they paid £3.

(c) Other Asiatics who were residents of the Transvaal before the war, and who could prove before a court of law their previous domicile.

(d) Those Asiatics whose claims have been rejected by Mr. Chamney. (For these it is contended only that they should have the right to have their claims investigated by a

[1] This was published in *Indian Opinion*, 27-6-1908, under the title "Mr. Gandhi Speaks". It was also published in *The Star* among other papers. The *Star* version is, however, unavailable. Ritch forwarded a copy of the letter to the India Office. He described it as a "circular letter" which set out the "issues between the Transvaal Government and the British Indians".

178. EXTRACT FROM LETTER TO S. A. B. I. COMMITTEE[1]

June 22, 1908

. . .Smuts will repeal the Act but on conditions I cannot accept. The conditions he makes are:

Dutch certificates not to be recognized.

Pre-war refugees, who have not Peace Preservation certificates, cannot enter.

Those voluntary applications that have been rejected not to be considered by a court of law.

Those possessing educational qualifications are not to be recognized. (Smuts thinks they are disqualified under the present Act. I think that is not the case.)

It is not possible to accept the above conditions because I consider that they miss the spirit of the compromise. . .

India Office, Judicial and Public Records: 3722/08

179. INTERVIEW TO "THE STAR"[2]

[PRETORIA,
June 22, 1908]

We regret to announce that all efforts to avoid a breach of the settlement, arrived at last January between the Government and the Transvaal Asiatics, have proved unsuccessful...

At the request of the Colonial Secretary, Mr. Gandhi waited on him this morning and was permitted to peruse the draft amendment to the Immigration Restriction Act proposed by the Government. General Smuts intimated that it was the intention of the Government to repeal the Asiatic Registration Act.

After perusing the Act, Mr. Gandhi had an interview with the Colonial Secretary, and raised the following points: (a) The position of the Asiatics who had made voluntary application for registration, having given their finger-prints, and who for some reason or other have not received their permits. Mr. Gandhi asked that, in case[s] where permits were refused, an application or appeal should lie from the Registrar of Asiatics to some judicial officer; (b) he also asked that those Indians outside South Africa, who

[1] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

[2] This was republished in *Indian Opinion* under the title "The Transvaal Trouble: General Smuts Plays False".

180. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
June 22, 1908]

Mr. Gandhi was seen last night by a representative of *The Transvaal Leader*, and, asked to state what course it is now intended to adopt, Mr. Gandhi said:

Throughout the negotiations the leaders of the Indian community have been kept informed, as also, indeed, the general body of the community, of what was going on. Though, therefore, the decision of General Smuts has come to them as a painful surprise, they have not been taken altogether unawares. When it first became known that there was no likelihood of the Act being repealed, many Indians wrote to Mr. Chamney asking him to return their application forms and other documents filed with him voluntarily. These documents have not been returned. The Supreme Court will be approached immediately, and if the documents are returned, that at once places the Indian community in the position in which it was before the compromise—that is to say, every Indian is liable to be prosecuted, under the Asiatic Act, for non-registration; but if the action were unsuccessful, even then so far as I am aware, it is not the intention of the Asiatics to allow voluntary registration to be legalized anyhow.

Immediately on my return from Pretoria, a meeting of the committee was held, and the members were very enthusiastic. They realized that the whole of the passive resistance will have to be gone through all over again, and they seem to me to be ready for it.

We are holding on Wednesday next at three o'clock, in front of the Hamidia Mosque, a mass meeting of British Indians throughout the Colony.[1] Delegates have been invited by telegram from all parts of the Colony. A series of resolutions will be passed at the meeting.

I cannot help saying that, having yielded on the principle of the repeal of the Act, General Smuts is very unreasonable in refusing to recognize what I consider to be the very moderate and just suggestions.

Indian Opinion, 27-6-1908

[1] *Vide* "Speech at Mass Meeting", pp. 319-22.

6. It was at very great personal risk that I and my fellow-countrymen have assisted the Government to carry out the terms of the compromise referred to in the said Petition so far as the Indian part of it was concerned.

7. By reason of so doing I was very severely assaulted on the 17th day of May last. The assault was so severe that I was laid up in bed for nearly a fortnight, and I very nearly lost a portion of my nose.

[ESSOP ISMAIL MIA]

Indian Opinion, 11-7-1908

184. AFFIDAVIT

JOHANNESBURG,
June 23, 1908

I, M. K. Gandhi of Johannesburg, Attorney, [and] Honorary Secretary of the British Indian Association, do hereby solemnly and sincerely declare as follows:

1. I have read the Petition[1] of Ebrahim Ismail Aswat of Vereeniging, dated the 23rd day of June, 1908, and the Affidavit[2] of Essop Ismail Mia, the Chairman of the British Indian Association, dated the 23rd day of June, 1908.

2. The statement made by the said Ebrahim Ismail Aswat, in his Petition, with reference to the compromise, is correct.

3. I was sentenced, together with many other Indians, to be imprisoned for not having complied with the Asiatic Law Amendment Act No. 2 of 1907, which I believed, and do still believe, to be contrary to my independence as a free man, and my conscience.

4. While I was undergoing sentence of imprisonment in the month of January, 1908, negotiations were put forward, I believe by the Government, for a compromise with the Indian community.

5. A letter[3] was placed before me for my signature, copy of which is hereto attached.

6. As that letter was not considered by me to be satisfactory, and as it left the question of the inapplicability of the Asiatic Act to those who voluntarily registered open, I made certain alterations[4]. Copy of the letter as altered by me is also hereto attached. The said letter was then signed by Leung Quinn, Chairman of the Chinese

[1] *Vide* "Petition to Transvaal Supreme Court", pp. 311-3.

[2] *Vide* the preceding item.

[3] & [4] For the draft brought by Cartwright and the alterations made in it by Gandhiji, *vide* "Letter to Colonial Secretary", pp. 40-2.

application, and I was very severely assaulted by those who were dissatisfied with the compromise.

16. It is within my knowledge that many Indians, in order to carry out the compromise and to help the Government, had to suffer much inconvenience and undertook great personal risk.

17. The vast majority of Asiatics have accepted voluntary registration.

[M. K. GANDHI]

Indian Opinion, 11-7-1908

185. JOHANNESBURG LETTER

Tuesday [June 23, 1908]

SETTLEMENT?

"Man proposes, God disposes" should be inscribed in everyone's memory. It was hoped that Monday would see the end of the law. On that very day it was made known that the law would stay—for the present at any rate.

Mr. Smuts told Mr. Gandhi on Saturday: 'Please see me on Monday. One or two minor points remain to be considered. All else is settled.' [*The Transvaal*] *Leader* wrote editorially on Monday that it had been decided to repeal the Act.

Mr. Gandhi met Mr. Smuts on Monday. He was shown a printed draft of the proposed Bill repealing the Act. If the Indian community approved the draft, the Bill would be passed and the Act repealed. The temptation was great. It was an excellent Bill from the point of view of those who had registered voluntarily or might do so in future. It did not contain any of the objectionable provisions of the obnoxious Act. There was, however, a "but" about the Bill. Accepting it meant forgoing rights as under:

(1) Even educated persons would not be allowed to enter [except on a temporary visit].

(2) Even those who hold £3 Dutch registers may not enter.

(3) Other [Asiatic] refugees [from the Boer War] may not enter.

(4) If the applications now being examined by Mr. Chamney are rejected, there is no appeal against his [administrative] decision.[1]

[1] In effect, the points made by Gandhiji in his letter to Smuts of June 13 were not acceded to. Addressing the mass meeting of June 24, Essop Mia, Chairman, made the following points: (a) the evidence about the claims to domicile in the Transvaal should be taken from voluntary registrants in a public and judicial manner, so that the reasons for any official decision could not be kept secret; and (b) they would not sell the rights of would-be educated Indian immigrants in return for some questionable advantages given to Indians already in the Colony.

Even Otherwise

Even if these two cases are not decided in our favour, what difference will it make? Losing them will not mean defeat for us. The real Supreme Court is within us, and the true judge, God above us all. If we go on striving with faith, fate will never turn against us. Should the two cases be decided against us, no one need be alarmed. Everything will be all right as long as our own courage does not run out. A satyagraha campaign depends on the satyagrahi, not on others.

Test Case

General Smuts claims that even the Immigrants' [Restriction] Act does not guarantee any rights to educated persons. If this is true, we have nothing more to say, neither can we hope ever to obtain these rights. Mr. Gandhi suggested that the matter be left to the Supreme Court for a decision, but Mr. Smuts was not agreeable. A test case has now become inevitable. Mr. Sorabji Shapurji, who has passed several Bombay examinations in English and who lives in Charlestown, has agreed to be the defendant in a test case. He will attempt to enter Volksrust on Wednesday. Mr. Chamney has also been informed telegraphically so that he can stop him if he wishes to. By the time this appears in print, the matter will perhaps have been decided in a magistrate's court.

Wednesday [June 24, 1908]

Mr. Sorabji entered the Transvaal on Wednesday. Contrary to expectations, he was not stopped at the border, and he has arrived in Johannesburg. His movements are, however, being watched by the police. This [surveillance] is likely to continue for some time. This shows there is some confusion in the Government ranks. Its legal advisers are possibly of the view that Mr. Sorabji cannot be touched under the immigration Act. Even so, it is likely that he will be arrested soon.

Law-makers of the Transvaal!

General Smuts has given notice in Parliament [of a motion] to withdraw the Transvaal Municipal [Consolidation] Bill. *Indian Opinion* readers will recall the strong protest of the Indian community against the Bill.[1] *The Transvaal Leader* has recently published a report that the Government intends to withdraw the Bill relating to the Gold Law. [According to the report] it was to be replaced by a shorter Bill, but the Government has denied this.

[From Gujarati]
Indian Opinion, 27-6-1908

[1] *Vide* "Petition to Transvaal Legislative Assembly", pp. 295-7.

no Asiatic who could surreptitiously enter into the country and not be found out by his Police. These terms the Asiatic communities have fulfilled, and yet we find today, we meet this afternoon to find out, that this Act is not to be repealed as it should be repealed, and that the promise of repeal is hedged in on all sides by such restrictions as could never be accepted by any self-respecting man.

The passive resistance movement has been undertaken only to gain rights for the whole of the Asiatics who have a right to remain in this country and not for a chosen few, and if—there is one man, whom I can recall, who is in Ladysmith, who came to the country in 1885 and paid £25 to the Boer Government for remaining in this country, carried on a trade, and possesses European credentials—if he cannot enter this country, I, for one, do not wish to remain in this country, if my countrymen before that time do not remove this head which seems to have done grievous wrong to them.

Indian Opinion, 4-7-1908

187. REVIVAL OF PASSIVE RESISTANCE

It is a thousand pities that General Smuts has, while yielding on the question of the repeal of the Asiatic Act, taken up an obstinate position on mere matters of detail and of no significance from a Colonial standpoint. General Smuts' attitude savours very much of straining at a gnat and swallowing a camel. He has taken all the grace away from his offer to repeal the Act by robbing it of all advantage to the Asiatics of the Transvaal, and it is hardly to be wondered at that British Indians have summarily rejected an offer which, in effect, places them, as a body, in a worse position than they occupied before the struggle. It is true that the bait was held out by the General in the shape of easing the position of those who were included by him in the repealing Bill. To the credit of the communities, let it be said that they have not taken the bait. As passive resisters, they could not, in order to gain a position for themselves, barter away the rights of others who were just as much entitled to remain in or enter the Transvaal as they themselves. The proceedings of the Mass Meeting show unmistakably that Indians are just as much determined as ever to see the fight to the finish, and this time they will command far greater sympathy and help, and, if General Smuts has the slightest regard for the Empire to which he belongs, he will still, while there is yet time, refrain from unnecessarily wounding Indian feeling.

Indian Opinion, 27-6-1908

the last time—for the present at any rate—we have no doubt that we will win a resounding victory.

This is the last battle in this war we have been talking of, and it must be won. The condition of South African Indians will depend a great deal on the issue of this battle. On the one hand, the clouds are louring upon Natal.[1] On the other, a law regarding registration has already been passed in Rhodesia.[2] A Member of Parliament in that Colony pointed out in passing that the Transvaal law had not yet been repealed. The Transvaal Indians should take a cue from this and carry the dead law to the crematorium and dispose of it properly. They must gird up their loins—for their own sake and for the sake of all South African Indians. Indeed, it appears from a report of the mass meeting that they are thus prepared. We congratulate them on this, and urge them to mount a vigorous attack and, for once, let the enemy have a taste of their strength. The sword of satyagraha is far superior to the steel sword. Truth and justice provide its point; divine help is the hilt that adorns it. One who has the use of this sword has no cause to fear defeat. Therefore, brave Indians, arise, and without ado, draw the sword of satyagraha and fight unto victory! When Japan's brave heroes forced the Russians to bite the dust of the battle-field, the sun rose in the east. And it now shines on all the nations of Asia. The people of the East will never, never again submit to insult from the insolent whites.

[From Gujarati]
Indian Opinion, 27-6-1908

189. SARVODAYA [-*VII*]

Veins of Wealth

We saw that the value of money consists in its power to command the labour of men. If that labour could be had without payment, there should be no further need of money. Instances are known where human labour can be had without payment. We have considered examples which show that moral power is more effective than the power of money. We also saw that man's goodness can do what money cannot do. There exist men in many parts of England who cannot be beguiled with money.

Moreover, if we admit that wealth carries with it the power to direct labour, we shall also see that the more intelligent and moral men are, the greater is the wealth amassed. It may even appear on a fuller

[1] *Vide* "Natal Licensing Act", pp. 287-8.
[2] *Vide* "Rhodesia Indians", pp. 265-6.

Neither of them can be regarded as superior or inferior to the other. But evil consequences follow when the two forget that they are equal, and that God is their light.

[From Gujarati]
Indian Opinion, 27-6-1908

190. MUSTAFA KAMAL PASHA'S SPEECH[1]

Only a few months before Mustafa Kamal Pasha died, he delivered a spirited address in Alexandria. It is a remarkable speech from which all of us can learn something. We therefore print a translation of it here.[2]

The speech was delivered in the Jijinia Theatre on October 22, 1907. It is said that more than 6,000 people heard this address.

[From Gujarati]
Indian Opinion, 27-6-1908

191. FRAGMENT OF A LETTER[3]

[Before *June 29, 1908*][4]

It will take a few days more for complete recovery. You get plenty of exercise and open air there, so I need not suggest these to you.

Do mix freely with Mrs. and Miss Pywell. Please let me know your reactions to them.

The Government have raised an objection about the cremation ground. I consider this very derogatory to the Hindus. You may spread this [information] and discuss it all round. We can put up a good fight over this issue. Many whites, too, are likely to help. See Motilal[5] and find out all the details from him.

Do not worry about matters at this end. In all probability a settlement will be reached without a tussle.

Blessings from
MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 6084

[1] For a life-sketch of Mustafa Kamal Pasha, *vide* "Egypt's Famous Leader", pp. 166-7 & 174-6.

[2] Not reproduced here

[3] Judging from the contents, it would appear that the letter was addressed to Chhaganlal or Maganlal Gandhi at Phœnix.

[4] Ada Pywell referred to in the letter had just arrived in South Africa and her marriage with West took place on June 29, 1908.

[5] Motilal M. Diwan, a Durban Indian leader

2. As Secretary to the British Indian Association, I never received any letter from the said Montford Chamney, offering to return the permit and registration certificate of the said Ebrahim Ismail Aswat.

3. I adhere to my statement that a promise of repeal of Act 2 of 1907 was made by Mr. Smuts, but I am advised that the question of repeal is not germane to the issue before this Hon'ble Court. I, therefore, refrain from adducing further proof in respect of my statement.

M. K. GANDHI

Indian Opinion, 11-7-1908

194. LETTER TO H. L. PAUL

JOHANNESBURG,
July 1, 1908

DEAR MR. PAUL,

I have been, indeed, too busy to write to you in reply to your letter. I do not think Mr. Rustomjee need be troubled at present, because I have collected just enough to pay Joseph's passage[1], and I have authorized Mr. Ritch to pay that amount to him—that is to say, I have £20. If the few pounds that are already collected by Brian Gabriel[2] and Lawrence[3] can be sent him, he will not want anything more. If you could collect a little more, it would ease him a bit, and that is all.

I am glad my ward[4] has not forgotten me entirely. I am glad, too, that she is making such splendid progress in music. I have her, as also your, promise that she is to use her talents for the benefit of Phœnix and, through Phœnix, I take it, of the whole community. It is, therefore, in my opinion, a good asset.

I hope you are all keeping in good health. The struggle here may be prolonged, or it may end in a few days. The result can only be one, if the people remain firm.

Yours sincerely,
M. K. GANDHI

From a typewritten copy of the original: C.W. 4548. Courtesy: E. J. Paul, Pietermaritzburg

[1] Joseph Royeppen's passage to South Africa; *vide* "Letter to H. L. Paul", p. 286.

[2] Photographer; a member of the Phœnix settlement for some time

[3] V. Lawrence; a Durban Indian leader

[4] Angie, the addressee's daughter

Remedy

There is only one remedy. And that lies in our hands. We should ignore the Government's law and act as follows:

(1) When necessary, we should burn the certificates of voluntary registration.

(2) We must refuse to affix our finger-impressions or signatures [on any documents] or to give our names when asked for these by the police.

(3) We should tender the licence fee, but if the licence is refused, we should carry on trade without one.

If, as a consequence of any of these actions, we have to suffer imprisonment, we must accept it. If we do that, the day of our freedom will be hastened. Even otherwise, people have so far fought, if only for their own rights. Henceforth, those who have received certificates of voluntary registration will fight especially for the sake of the others referred to above.

And if we refuse to fight, we cannot claim that ours is true satyagraha. It is not as if the sword of satyagraha can be used only once and becomes useless afterwards. If we have discovered its real worth, we can use it each time we have to fight. It is more effective than a sword of steel. All that is required is the capacity to endure suffering. We should not fight shy of imprisonment. We must not imagine that eating mealie pap will do us any harm.

How then Can We Leave Colony?

This question has been raised by a number of persons. If people burn their certificates, what authority will they have for returning to the Transvaal after leaving the Colony once? That the question has at all been asked suggests an inadequacy in our concept of satyagraha. My reply is: a resident of the Transvaal would only need authority if it was necessary for him to have any authority for going to India. Indian residents of the Transvaal should undoubtedly enter [the Colony] even if they are without registers. The only risk in doing so is that one may be put in gaol. Let them imprison [us]. But bail [money] must not be paid. We do not want to be let out on bail. The fine must not be paid either. Even defence which would make a lawyer necessary must not be offered. Whatever defence is needed will be provided by Mr. Gandhi, free of charge as usual, the only condition being that the person concerned should be a true satyagrahi, that he should have a valid case, and that the case should promote the community's interests.

Supreme Court

Those who wish to adopt this course are not in any wise concerned with the case in the Supreme Court. It will be well and good if, as a result of it, application forms [for voluntary registration] are returned.

on their account, and will yet suffer. They will continue so to do harm. Those who buy faked permits only walk into a trap. If, instead of resorting to such questionable methods, they were to adhere to the path of satyagraha, that would sooner or later enable every Indian with a rightful claim, every *bona-fide* refugee—that is, a refugee who was resident in the Transvaal for some length of time—to enter. Intending immigrants who are altogether new to the place should not even entertain any thought of coming in.

GENERAL SMUTS' AFFIDAVIT

General Smuts and Mr. Chamney have submitted affidavits to say that the former never made the promise to repeal the Act. The affidavits were submitted on the day on which the case came up for hearing. The affidavits were not submitted on the first day, which is enough to show that they are not telling the truth. Most of the documents bearing on this matter have been published in the English [section]. In Gujarati [we will publish them] the next time. At the moment, a number of interesting developments are taking place.

SORABJI'S CASE

They have not laid hands on Mr. Sorabji yet. Mr. Vernon often comes to see him. He was asked to report himself at the police station, and this he has flatly refused to do. Mr. Sorabji is prepared for imprisonment, but will not leave the Transvaal or submit to the obnoxious Act. His case will greatly help the Indian community. He is eagerly waiting for the Government to arrest him.

HAWKERS

[A number of] Indian hawkers ask [us] how they are to carry on without licences. They have their permits with them, but not the certificates of voluntary registration, for they entered the Colony after the dispute with the Government had started. They do not want to take out registration certificates which are compulsory under the Asiatic Registration Act. Two such Indians, Mr. Ismail Amod and Mr. Ibrahim Marolia, have started trading without licences. Mr. Gandhi has furnished them with a written statement that they are hawking without a licence on the advice of the Association. They are prepared to go to gaol. If they are arrested, they will be defended by Mr. Gandhi. We hope that other hawkers will have the same courage to carry on the fight. No one need discontinue his business altogether.

ESSOP MIA'S LETTER

Mr. Essop Mia has addressed letters to the Government and the Municipality saying that these Indians are not prepared to starve, and

Court. The moral basis consisted in showing that Asiatics wished to treat it as a nullity, because of its breach by General Smuts.

The breach is twofold. General Smuts will not repeal the Act without imposing unacceptable conditions, and he will not take voluntary registration in terms of the compromise from those who are now entering the country and who are entitled to enter it. General Smuts denies having promised to repeal the Act, and interprets the compromise to mean that those who entered the country after the lapse of three months after the date of the compromise should register under the Act. Let the public judge the meaning of the following:

> Under these circumstances, we would once more respectfully suggest to the Government that all Asiatics over the age of 16 should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register the Act be not applied, and that the Government take whatever steps they deem advisable to legalize such registration. *Such mode of registration* should apply to those also who being out of the Colony may return and otherwise possess the right of re-entry.[1]

General Smuts says that the men who were out of the Colony should have returned within the three months in order to entitle them to come under the compromise. I ask whether it was possible ever to inform Asiatics throughout the world of the existence of the compromise, or for them to return within that period.

As to the promise of repeal, I beg to ask your indulgence for publication of the enclosed correspondence[2] and to leave it to the public to judge whether the repeal was promised or not. I would draw attention to the fact that, in answer to my letter of the 22nd February detailing the legislation to repeal and replace the Asiatic Act, there is not one word of repudiation of the promised repeal. Of my allusions to the promise in the correspondence that took place after suspicions were roused, there is no repudiation. My pointed questions are evaded. I add to this the statement that, immediately after the assault committed on me, as a result of my acceptance of the compromise, Mr. Chamney saw me at Mr. Doke's house, and he and I drew up a notice for publication in Asiatic languages that, the Asiatics complying with the compromise, the Act would be repealed. This notice Mr. Chamney said would be taken to General Smuts and then published. He returned the next day or the day after and informed me that Asiatics were registering and inquired whether, in view of that fact, it was necessary to publish the notice. I, never dreaming of recantation on General Smuts' part, said it need not be published. I challenge him to produce the original draft, if it is still in existence. I add, further,

[1] *Vide* "Letter to Colonial Secretary", p. 41.

[2] Gandhiji-Smuts correspondence

those of the community. The Indians who join the campaign now will be defending the rights of their brethren. That is the beauty of it.

The Indian community will achieve an undying name for itself if it succeeds in this selfless task. It will ensure its own happiness and that of others, and thus win the admiration of all India. We hope, therefore, that the Indian community will remain steadfast.

[From Gujarati]
Indian Opinion, 4-7-1908

198. RHODESIA INDIANS[1]

A law similar to the one in the Transvaal has been enacted in Rhodesia. It remains to be seen whether it will receive [Royal] assent. The chances are that it will not. The South Africa British Indian Committee has put up a strong fight on the issue. This has been the subject, too, of Reuter cables. The Rhodesia Indians have acted wisely in submitting a petition. Since they are scattered all over [the Colony], they have not been able to do much. Bhimji Nayak appears to have taken great pains.

There is a point as regards the struggle in Rhodesia that is worth noting. When the Chartered Company[2] in England was approached by Reuter, its agent replied that there was no intention to insult the Indians, but that it was necessary to place restrictions on the community. The finger-print system would not, however, be adopted. As if it was only the finger-print system to which exception was taken! What does it matter if, after imposing slavery on the community in the form of the law, they do or do not ask for finger-prints? The important thing is that this law should go, instead of which they want to retain the law and add that the finger-prints will not be insisted upon. We suggest to the reader that he should carefully note from this instance the distinction between the law as such and the [system of] finger-impressions. We have no hesitation in advising the Rhodesia Indians to give their finger-impressions if, by doing so, they can have this legislation withdrawn. The law means perpetual slavery. The giving of finger-prints may be a means of avoiding that enslavement. Of course, we do not suggest that they should offer to give their finger-impressions right away. They should wait for the reply from England. But we hope that, if

[1] *Vide* also "Rhodesia Indians", pp. 265-6.

[2] The British South Africa Company, which received its charter in October 1889, administered Rhodesia till September 1923, when the Colony was formally annexed to the British Crown. Cecil Rhodes was general manager and its guiding spirit.

us today. If we give him a lower wage, he will be underpaid, and if more, overpaid.

[Suppose] a man wants to engage a worker. Two persons offer their services. If the man who offers to accept a lower wage is engaged, he will be underpaid. If there is a large number of employers and only one worker, he will get his own terms and will very likely be overpaid. The just wage lies between these two points.

If someone lends me money which I have to repay after a time, I shall pay him interest. Similarly, if someone gives me his labour today, I must return him an identical quantity of labour and something more by way of interest. If someone gives me an hour [of labour] today, I should promise to give him an hour and five minutes or more. This is true of every kind of worker.

If, now, of two men who offer me their services, I engage the one who accepts the lower wage, the result will be that he will be half-starved while the other man will remain unemployed. Even otherwise, if I pay full wages to the workman whom I employ, the other man will be unemployed. But the former will not starve, and I shall have made just use of my money. Starvation really occurs only when the due wages are not paid. If I pay due wages, surplus wealth will not accumulate in my hands. I shall not waste money on luxuries and add to the poverty. The workman whom I pay justly will in turn learn to pay others justly. Thus the stream of justice will not dry up; instead it will gather speed as it flows. And the nation which has such a sense of justice will grow happy and prosper in the right direction.

According to this line of reasoning, economists are found to be wrong. They argue that increased competition means growing prosperity for a nation. This is not true in fact. Competition is desired because it reduces the rate of wages. The rich become richer thereby and the poor poorer. Such competition is likely to ruin a nation in the long run. The right law of demand and supply should ensure the payment of a just wage to a workman according to his worth. This, too, will mean competition, but the result will be that people will be happy and skilful, for, instead of being obliged to underbid one another, they will have to acquire [new] skills to secure employment. It is for this reason that men are drawn to government service. There, salaries are fixed according to the gradation of posts. The competition is only with regard to ability. A candidate does not offer to accept a lower salary but claims that he is abler than others. The same is the case with the Army and the Navy, and that is why there is much less corruption in these services. But only in trade and commerce is there unhealthy competition, as a result of which corrupt practices, such as fraud, chicanery, theft, have increased. Furthermore, goods of poor quality are manufactured. The manufacturer wants a lion's share [of the

And it was in order to test whether the documents held by the Asiatic communities at the time were so tainted or not that the Bill was brought in.

With reference to the 9,000 applications, it is admitted in the Governor's Speech that almost all the Asiatics in the Colony have tendered voluntary registration.[1] I, therefore, assume that, in January last, there were 9,000 Asiatics in the Colony. They have all tendered their documents, and, on the strength thereof, 7,600 have already been proved to have been legitimate residents of the Transvaal. As a matter of fact, the balance of the applications have not yet been rejected. On the contrary, most of them will probably be able to establish their *bona fides*. Their claims are still under consideration only because of the deadlock that has ensued, that is to say, they are holders of Dutch registration certificates, which General Smuts has declined to recognize as sufficient title to residence in the Colony.

I may add that, according to the figures supplied by the Registrar of Asiatics, over 13,000 permits have been issued and are now in circulation. Of these, under voluntary registration, 8,500 (assuming 500 are represented by Dutch registration certificates) have been called in and, if, out of 8,500, 7,000 have established their title, will Mr. Duncan allow me to claim that there was no *organized* illicit entry?

With reference to the 4,500 outstanding permits (and they are outstanding because those Asiatics are outside the Colony) I make bold to say that it will be found that very few of these permits are tainted.

The Indian community has never endeavoured to challenge the statement that there was *some* illicit immigration of Asiatics. All that was stated in 1906, and I make bold to repeat, is that the evidence adduced was not, and is not now, sufficient to establish the charge of *wholesale* fraudulent entry. The Peace Preservation Ordinance was enough to deal with isolated cases. The compulsory measure was brought in because of, and was based upon, the assumption that Asiatics would not voluntarily allow their claims to be examined because they were largely tainted with fraud. Hence the offer of voluntary registration and hence also my statement that the result of voluntary registration has disposed of the foul charge of an organized illicit entry of Asiatics.

[*I am, etc.,*
M. K. GANDHI]

Indian Opinion, 4-7-1908

[1] In the course of his address to Parliament on June 15, on the occasion of its reopening, the Governor had said, "Practically the whole of the Asiatic population of this Colony to the number of 9,072 have tendered voluntary registration and provisional registration certificates have already been issued to 7,617 Asiatics. . ."

202. LETTER TO COLONIAL SECRETARY[1]

[JOHANNESBURG,]
July 6, 1908

THE COLONIAL SECRETARY
PRETORIA

SIR,

A mass meeting[2] of over eight hundred British Indians was held yesterday at the Hamidia Mosque to consider the Indian position as it is affected by the Supreme Court decision on the application for the return of the voluntary registration applications. My Association still respectfully trusts that these forms may be returned. The mass meeting decided to hold another next Sunday for the purpose of burning voluntary registration certificates, in order that, in the event of the claims of domiciled British Indians and others not being considered by the Government, they may range themselves alongside of such Indians and suffer with them. My Association is most anxious to avoid such a drastic step and, therefore, once more humbly approaches the Government for assistance.

My Association reminds you of the speech delivered by you at Richmond[3] just after the compromise, and reported in *The Star* of the 6th February last. In that speech, you are reported to have stated as follows: "He had told them, that is the Asiatics, that the law would not be repealed so long as there was an Asiatic in the country who had not registered." And again, "until every Indian in the country had registered, the law would not be repealed". This shows that the only condition of repeal was complete registration. My Association need hardly say that practically every Asiatic in the Colony has made voluntary application in terms of the compromise. But now my Association understands that the Government, in exchange for repeal, ask British Indians to consent to the following:

(a) That British Indians holding Dutch registration certificates, for which they have paid either £3 or £25, should become prohibited immigrants, whether they are within the Colony or outside the Colony.

[1] This appeared in *Indian Opinion* under the title "The Ultimatum" and was part of the precis forwarded by Ritch to the Colonial Office along with his letter of July 22, 1908.

[2] At this meeting, Sorabji Shapurji declared his determination not to submit to the registration law. He also claimed as an educated man free right of entry into the Transvaal.

[3] On February 6, 1908

registration, which shall be effected within eight days after arrival, a sum of £25 sterling (subsequently £3) shall be paid.

With reference to (c), it would be manifestly unfair to deprive those Indians who have already applied for voluntary registration of the right of having their claims examined judicially, when the claims of those who are entitled to return may be judicially examined. My Association fails to see any reason for such a differential treatment between Indians having similar claims.

With reference to (d), my Association cannot help feeling that the proposal that Indians domiciled in the Transvaal should be consenting parties to the deprivation of the rights of Indians with high educational attainments, professional men, to whom British Indians in general are always prone to look up for assistance, is extraordinary. My Association respectfully contends that the interpretation of the Immigrants' Restriction Act leaves it open for Indians with European education to enter the country, and the fact that Mr. Sorabji, who has entered the country to test such interpretation, is now to be tried under the Asiatic Act for failing to produce a registration certificate, seems to uphold the contention of my Association and to show that the Government have abandoned their interpretation of the Immigrants' Restriction Act. My Association thinks that, so far as the European Colonists are concerned, in this question there is no substantial point involved, whereas it is one of deeply cherished sentiment to British Indians. In effect, the vast majority of even educated Indians will be shut out of the Colony because of the stringency of the test, and my Association does not object to any reasonable stringency, so long as education of a real type is respected and recognized as much in an Indian as in a European. In Natal, where the test is by no means so severe as in the Transvaal, according to the last Immigration Report, only a few Indians[1] entered under the test.[2] Australia, which has also a similar education test, has successfully solved the problem of Asiatic immigration. My Association, therefore, ventures to trust that the Transvaal will not be an exception, and that the Government will be pleased to spare the natural feelings of British Indians in the matter.

My Association, in conclusion, respectfully trusts that the Government will take into serious consideration the above representation, and finally close the Asiatic question so far as it is affected by the Asiatic Law Amendment Act; and thus, not only fulfil its part of the compromise, but give the lawful Asiatic residents of the Colony the rest and peace to which their conduct during the recent trouble has, by universal acknowledgement, entitled them; and, last but not least, to save the

[1] The India Office source mentions the figure 81.

[2] *Vide* "Natal Immigration Department's Report", Appendix IV.

the right to return within three months. Accompanying the application were a number of certificates of character.

Mr. Gandhi asked witness to read the certificates. The Public Prosecutor objected.[1] Mr. Gandhi argued that the papers were part of the record.

THE MAGISTRATE: You want to set up a defence that he is brought under the wrong Act. You want to bring him under the Immigration Ordinance.

MR. GANDHI: I do, Sir.

THE MAGISTRATE: I quite understand.

The Public Prosecutor argued that the documents must be proved in the ordinary way. Mr. Gandhi retorted that he could not prove if the witness did not produce them. They were the property of his client, and he had served notice on witness to produce them. The Public Prosecutor persisted in his objection, and eventually the Magistrate looked at the documents. He said they bore the headline South African Constabulary, and apparently belonged to them.

Mr. Gandhi proceeded with the cross-examination of witness, who stated he was Chief Immigration Officer also. He had received a telegram from Mr. Gandhi telling him that the defendant was to entrain and that he possessed the necessary qualifications under the Immigration Act and had sufficient means.

[GANDHIJI:] Did your officers [at Volksrust] examine the defendant as to his educational abilities?

[CHAMNEY:] No.

Will you admit he has sufficient educational attainments?

I know nothing about it.

Will you admit he has sufficient means?

I know nothing about it. This charge has nothing to do with it.

Did you allow any other Asiatic to pass?

I have.

Unchallenged?

Not unchallenged; he was not unchallenged.[2]

What was done to him?

I am not able to say. I decline absolutely to answer that question. I dare say you will know in full time.

Why was he allowed to pass?

I will not reply to that. He came in here in conflict with the law, and the consequence is he is now there accused.

The Magistrate again intervened and said Mr. Gandhi was referring to the Immigration Act, while the accused was charged under the Asiatic Act.

MR. GANDHI: It is a most unfortunate position you place me in. You have not heard my defence. As Chief Immigration Officer, would

[1] At this stage of the proceedings, Chamney consulted the Crown Prosecutor and again later through Superintendent Vernon—to which Gandhiji objected.

[2] A Gujarati report of the trial in *Indian Opinion*, 18-7-1908, mentions that Chamney admitted to having examined the accused at the time of his entry for purposes of establishing his identity.

He also observed that the letter addressed [to General Smuts] from gaol and Mr. Smuts' reply to it did not throw any light on the repeal of the Act. The return of the application for voluntary registration could not be demanded since it was a kind of letter. Under the law, a letter belongs to the person to whom it is addressed. By the same token the application belonged to the Government. At the same time the Judge conceded the right to withdraw [the request contained in] the application. Only, the application form itself need not be returned. If one wanted to withdraw one's application, the Judge said, all that one had to do was not to accept the registration certificate. The Government were bound to return the permit and the old register. Since, however, the case had been instituted for the return of the application, the costs were also awarded against the Indian community. Mr. Smuts filed an affidavit to the effect that he had never promised to repeal the Act. Mr. Chamney filed a similar affidavit. Mr. Ward fought hard and advanced a number of well-reasoned arguments. But the Judge had got it into his head that an application is a kind of letter.

The judgment has disheartened many Indians. A satyagrahi can never have reason to lose heart. Khuda is the ultimate court of appeal for a satyagrahi, and in that court false evidence does not avail. Moreover, our object in demanding that the applications be returned was to make certain that we were arrested as early as possible. We must achieve the same object now by burning the registers. This will appear a little difficult, but in fact it can be done easily. Anyone who is sensible enough will see that it is better to burn the register than to have the application returned.

The Act, it appears, is as good as repealed. In a speech[1] on February 6 in Johannesburg, General Smuts said: "I have told the Asiatics that the Act will be repealed if all of them take out registers voluntarily. It will not be repealed unless this is done." The reference to the repeal of the Act cannot be plainer.

The day after the Supreme Court delivered its judgment, the entire correspondence [between General Smuts and] Mr. Gandhi was released to the Press. Along with that, Mr. Gandhi addressed a letter[2] to the Press on the 2nd [of July], to which no one has replied [so far].

Act being repealed,' [cf. pp. 40-2] from which it would appear that they accepted the position that the Act would not be repealed. . . .But, having handed it over to the Registrar of Asiatics, with the intention. . .that the latter should retain the document, . . .and the document then became the property of the Registrar of Asiatics. . . .The application would therefore be refused with costs." *Indian Opinion*, 11-7-1908

[1] *Vide* "Letter to Colonial Secretary", p. 342.

[2] *Vide* "Letter to the Press", pp. 333-5.

expend no thought on whether the struggle will be a long or a short one. For him his truth is the dearest of all things.

Sorabji's Case

Mr. Sorabji has been arrested, and released without bail. The hearing of the case was fixed for Saturday, but has been adjourned to Wednesday. Mr. Sorabji is now charged not under the Immigrants' Act, but under the obnoxious Act. This shows that no action can be taken against him under the former. Mr. Sorabji does not want to submit to the obnoxious Act nor to leave the Transvaal. If, therefore, he is given notice to leave, he will disregard it and court imprisonment. Mr. Sorabji also addressed the meeting on Sunday, and everyone was happy with his decision to go to gaol.[1] Mr. Gandhi has addressed a letter[2] to the Press regarding Sorabji's case.

Letter to the Press

The following letter[2] from Mr. Gandhi appeared in the Transvaal Press on the 4th.

Jaymal's Case

Jaymal's case is likely to lead to other similar cases. A tailor named Dahya, who came to Johannesburg with a permit obtained from one Jaymal, has been arrested. He is believed to have obtained the permit under a genuine misconception. He is, therefore, likely to be acquitted. Indians must take this case as a warning that any attempt to secure a permit by irregular means is likely to harm the individual himself as also the community.

Wednesday [July 8, 1908]

Mr. Sorabji's case was heard in Mr. Jordan's court on Wednesday.[3] Giving evidence, Mr. Chamney admitted that Mr. Sorabji was not, and could not be, arrested under the Immigrants' Act. He said there was an important reason why Mr. Sorabji had not been arrested [earlier]. There was a heated exchange of arguments in the Court. The court room was overflowing with Indians. Mr. Gandhi asked for Mr. Sorabji's discharge on a technical point of law. The Magistrate has promised a ruling on Friday. Be that as it may. That will not decide the fundamental issue. But it is desirable on such occasions to take advantage of other technical flaws of a legal nature [which may not have a direct bearing on the main issue].

1. *Vide* footnote 2, p. 342.

2 This is not reproduced here. For the English text, *vide* "Letter to *Indian Opinion*", p. 341.

3 *Vide* "Trial of Sorabji Shapurji-I", pp. 345-7.

has also heard that the Government are prepared to waive the first three points mentioned in my letter, but that the education test is the stumbling-block. If so, and if it is not too late, my Association hopes that the difficulty will be overcome by providing for sufficient stringency of the test.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 18-7-1908

206. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 9, 1908

DEAR MR. CARTWRIGHT,

I am very much obliged to you for your note and for the great interest you are taking in the troubles of my countrymen. I would lose much rather than the sympathy of public men in the Transvaal. The burning of the certificates next Sunday will, therefore, be postponed. I take it that you are closely following the development of the struggle.

Mr. Sorabji, as you know, is not now to be tried under the Immigrants' Restriction Act at all.[1] Indeed, to secure conviction under that Act will, in the case of an educated Asiatic, be, I am sure, impossible, without the instrumentality of the Asiatic Act. It just proves my contention. Owing to the stupidity of the Prosecution and the greater stupidity of Mr. Chamney, I was able to take advantage of a flaw in the evidence for the Crown, and Mr. Sorabji was discharged. To show the vindictiveness on the part of Superintendent Vernon and Mr. Chamney, he was re-arrested immediately, Mr. Vernon saying the re-arrest was being effected under instructions from Mr. Chamney. As luck would have it, I went over with Mr. Sorabji to Marshall Square Police Station and saw Deputy Commissioner Potter, who, I believe, perceived the mistake that had been made, and almost immediately after I had seen him, ordered Mr. Sorabji's discharge from custody. I do not know what will happen tomorrow. I am half inclined to think that there will be a bungle again. If so, I propose to take advantage of it and secure a discharge again. Ultimately, of course, Mr. Sorabji,

[1] *Vide* "Trial of Sorabji Shapurji-I", pp. 345-7.

of the Registrar of Asiatics, and dated as recently as the 7th instant, which runs as follows:

> I have the honour to inform you that it has been decided that Act No. 2 of 1907 is to remain on the Statute-book; consequently all Asiatics applying for licences to trade must be required to produce a registration certificate issued under the Act, or in the form of the voluntary certificate, a specimen of which is attached, and to furnish a clear impression of their right-hand thumb for examination in this Office. Any Asiatic who fails to carry out these requirements is not entitled to the issue or renewal of any trading licence.
>
> The thumb-impression should be forwarded as soon as possible to this office, together with the name of the applicant, and the number of the registration certificate held by him.

You will notice that the circular states the decision of the Government to retain Act 2 of 1907 on the Statute-book, and evidently to legalize voluntary registration under it. If so, can Asiatics have any patience, and can they have any trust in the promise, written or verbal, of the Government? The circular, if it correctly sets forth the Government's decision, is a tremendous eye-opener. However, the mass meeting advertised for the burning of registration certificates remains postponed, and every Asiatic awaits publication of the Government's declarations. The only reason for drawing public attention to the circular which I have been able to secure is to show that, when Asiatics take any irrevocable step, it will not be without the gravest provocation.

[*Yours etc.*,
M. K. GANDHI]

Indian Opinion, 18-7-1908

208. TRIAL OF SORABJI SHAPURJI–II

[JOHANNESBURG,
July 10, 1908]

On Friday, the 10th instant, before Mr. Jordan, in B Court, Mr. Sorabji Shapurji, the Parsi gentleman, who had already been acquitted of a similar charge,[1] was charged, in terms of Section 8, Sub-Section 3 of Act 2 of 1907, with having failed to produce a registration certificate issued under the Act, when the same was demanded of him by Superintendent Vernon, on the 9th instant. Mr. Cramer prosecuted for the Crown, and Mr. Gandhi appeared for the defence.

Before replying generally to the indictment, Mr. Gandhi raised the plea of *autre fois acquit* claiming that the accused had already been discharged in regard to the same offence.

THE MAGISTRATE: It is a continuous offence.

[1] For earlier judgment, *vide* footnote 3 on p. 347.

A lengthy argument resulted in Mr. Gandhi producing the required Notice. He would help the prosecution to that extent in regard to the third prosecution of the accused, but not in the present, holding that it was impossible for the Crown to obtain a conviction in the present case. He read the Notice. It set forth that the Government had appointed November 30, 1907 as the date after which any Asiatic over the age of sixteen who was found within the Colony and failed upon demand by any duly authorized person to produce a certificate of registration of which he was the lawful holder might be arrested and dealt with as provided. That Notice had never been put in.

THE MAGISTRATE: The question is whether the putting in of the *Gazette* is not sufficient notice in itself.

Mr. Gandhi said that he felt it very keenly that such an argument should be adduced, after he had shown that his contention was correct. He still argued that the two notices produced by the Crown did not apply to the case at all. It was not his fault that he had over-argued the case. The notice required had not been put in by the Crown and had not even been cited in the indictment.

Mr. Jordan then adjourned the Court for luncheon, and intimated that he would give his decision upon resuming.

When the Court resumed, the Public Prosecutor said that it appeared to be absolutely essential that the *Gazette* containing the notice should be produced in Court. Mr. Gandhi had taken advantage, and rightly so from his point of view, of a purely technical point, and he asked His Worship to allow him also to take advantage of a technicality. He asked His Worship to take it that the production of the *Gazette* and the reading of the notices by Mr. Gandhi was sufficient publication for the purposes of the case.

In reply, Mr. Gandhi contended that he had not put in the *Gazette*. The Notice had never been put in at all. He had simply produced it as he would produce a law-book to carry conviction to the Court as he was in the unfortunate position of not being able to make himself otherwise understood, but it would be unfair to penalize him for having helped the Court. In point of fact, so far as the evidence was concerned, the notice required by the law was not within the judicial cognizance of the Court.

The Magistrate said that he would take judicial notice of Mr. Gandhi's argument, but overruled him.

The accused was then called, and stated, in examination, that he had been in South Africa for six years, in Durban for a year and a half, and in Charlestown for four-and-a-half years. He was book-keeper and manager of the store of Mr. Hajee Hassam, of Charlestown, Natal. He received his English education at the Surat High School in the Bombay Presidency. He had received seven years' education through the medium of the English language, and before that, seven years in the vernacular. He had entered the Transvaal under the Immigrants' Restriction Act.

THE MAGISTRATE: How can he?

Mr. Gandhi said that that was for him to show. It was for him to argue that accused was entitled to enter, after he had put the facts before the Court, but

who resided in the Colony before the Act was passed, and, whatever the intention of the framers of the Immigrants' Restriction Act, it left the door open for Asiatic immigration—undoubtedly of a very modified type.

The Magistrate referred to Mr. Gandhi's argument as very subtle and very able. He dealt with the points raised, and said that the accused had not made application for registration, but he gloried in the fact, and had set the Government at defiance. He ordered him to leave the Colony within seven days.

Indian Opinion, 18-7-1908

209. *HINDU CREMATION GROUND*

It is known the world over that the Hindus cremate their dead. A request was made to the Government that cremation facilities similar to those available in Durban be provided for the Colony as a whole, and to this Mr. Diwan has received a very discouraging reply. The Government has said, without assigning any reasons, that the arrangements asked for cannot be made. Admittedly, there have been numerous instances of Hindus burying their dead, but we cannot put up with peremptory interference with a religious practice. We may argue that the Hindus themselves are to blame for not having always insisted on cremating their dead because of the inconvenience in doing so or for other reasons. But it was of their own volition that they earlier did not do so. Since it is the Government which now wants to stop the practice, it is imperative that we protest.

A petition signed by all the Hindus should be submitted to the Government. If it is signed by thousands of persons, there is hope of its being looked into. Muslims, Christians, Parsis can all help in this matter. Today one of our religions is under attack; tomorrow it may be the turn of another. We hope therefore that not only will the Hindus take up this issue, but also that the other communities will help.

[From Gujarati]

Indian Opinion, 11-7-1908

210. *MURDER IN SYDENHAM*

The murder of Mr. Banu and his wife in Sydenham bears out our observations made some time ago.[1] We do not yet know the motive for the murder. It is [of course] necessary to write to the Government regarding police protection in Sydenham and other towns. But the real remedy lies in our own hands. Moreover, the difficulties which were experienced in having Mr. Banu's body buried should be a matter of

[1] *Vide* "Crime Wave in Natal", pp. 280-1 and "Cause of Murders in Natal", pp. 300-1.

214. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 11, 1908

DEAR MR. CARTWRIGHT,

I am sending you the questions[1] as promised. I am not framing any further questions at all. After I left you, I saw Mr. Hosken, and Mr. Hosken, too, has promised to see General Smuts, because in a letter addressed to Mr. Hosken it is stated that those who have ta[ken][2] out voluntary registration certificates will not have their certificates legalized under the Act. This letter is written in General Smuts' own handwriting, so that there can be no mistake about it. However, perhaps both you and Mr. Hosken will be able to obtain some definite information on Monday. If you do, may I ask you kindly to telephone? My number is 1635.

I am,
Yours truly,

[Enclosure]

A. CARTWRIGHT, ESQ.
JOHANNESBURG

[ENCLOSURE]

DRAFT QUESTIONS ON ASIATIC REGISTRATION ACT

[*July 11, 1908*]

1. Reading the letter addressed from the gaol on the compromise, by itself, the Act is not to apply to those who are voluntarily registered. What, then, is the meaning of the circular[3], dated the 7th instant, purporting to have been addressed by Mr. Chamney to the Municipalities, and published in the *Leader*?
2. Is there any truth in the rumour that the Government are willing to recognize the domiciliary rights of *bona-fide* holders of £3 registration certificates, whether within or without the Colony, and refugees who do not possess certificates but who can establish their claim to pre-War domicile?
3. Is there any truth in the statement generally made that the Government are willing to concede the right of appeal to the Supreme

[1] *Vide* Enclosure.
[2] Illegible
[3] *Vide* p. 354.



legislation that General Smuts may choose to bring, but I do emphatically protest against Indians being made consenting parties to any such legislation. They must have the right to protest and to carry on any agitation they choose to, in connection with it. If he is willing to concede, as I understood this morning he was, the points referred to above, then the Immigrants' Restriction Amendment Bill shown to me may be brought with the necessary alterations, and he may, if he chooses, insert a clause prohibiting the immigration of educated Asiatics. The result will be a petition to Parliament against that clause, a petition to the Imperial Government, and, if I can carry my countrymen with me, undoubtedly passive resistance. Whether I can carry them with me or not I am not in a position yet to tell you definitely. My endeavour is undoubtedly, as it must be, to persuade them to do so. I told you through the telephone that I found Mr. Essop Mia, last night, to be weak on the question. He thought that, if the three points were yielded, we should be satisfied. I ventured to differ from him. When your message was received, he was at the office, and I discussed the point with him. He now stands aghast at his opinion, and he thinks that the handful of Indians in the Transvaal will merit the curse of the whole of India, if they *consented* to the educational disqualifications. I repeat again: it is the *consent* that [is] all, and not independent legislation that General Smuts may choose to bring. He must not only [*sic*] before us and say. . .[1] repealing the Act, that was placed before me, he will notice my query also against this section; but I am quite satisfied that appeal to the Supreme Court should be on questions of law and not on questions of fact.

The appeal, however, that I have asked for is from Mr. Chamney's decision, in connection with pending applications. That was what General Smuts refused at the interview. I take it that now he is willing to concede the right. The matter is, to my mind, self-evident.

General Smuts mentioned that I had received from Mahomedans £2 apiece per voluntary registration certificate. This I stigmatized as a damnable lie, and I repeat it. It has been propagated, evidently, by some enemy of the Indian community. What I have done is to charge a fee of two guineas for legal work done for voluntary registration applications, whether I made them on behalf of Hindus or Mahomedans. I asked the book-keeper to give me the number of such applications made by me, and it does not exceed 235. These applications involve more than two guineas worth of work. I had to examine the case of each individual applicant, then to fill in the form, to send a clerk with the man, and, in many cases to carry on voluminous correspondence with the Registration Office. This was work strictly within my province,

[1] Three lines are missing here.

216. *REPLY TO "THE STAR"*[1]

[JOHANNESBURG,]
July 16, 1908

THE EDITOR
THE STAR

SIR,

You published in your notes yesterday the statement that a settlement of the Asiatic question is probable, and you state very properly that the point (that is, of education) would not appear to be essential to the general principles involved, as educated Indians could not, outside of their own community, make an adequate pittance. I hope that the news published by you is correct.

What, however, I understand to be the situation is that, whilst the Government are willing now to repeal the Act and recognize the rights of Asiatics domiciled in the Colony before the war, they insist upon British Indians accepting total prohibition of the entry of Indians, no matter what educational attainments they may possess. This is not in the law today, as Mr. Sorabji's case has made clear. In asking us, therefore, to accept the above disqualification, the Government ask us to commit communal suicide. If the resident Asiatic population is to be fully protected, and is to be allowed to remain in the country in a becoming manner, it must be apparent to every Colonist that they will need the assistance and guidance of their educated brethren. By education I do not mean a mere knowledge of the elements of the English or any other European language, but I mean a very high degree of culture. Does anyone suppose that Indians in the Colony, the majority of whom are traders, can live with any degree of comfort, if they have not amongst them such men as I have described above? There is not a British Colony in the world, with a resident Asiatic population, which has legislation of the kind to which our consent is now required as a condition precedent to the granting of simple justice to pre-war Indians. If the Government think that they can carry their drastic policy of exclusion, let them do so and let them at the same time recognize the other rights. If justice is on our side on the question of education, and if we have sufficient strength in us, we will win.

But, as the position stands at present, it seems to me that I and other Indians have armed ourselves with voluntary registration certi-

[1] This appeared in *Indian Opinion*, 25-7-1908, under the title "Mr. Essop Mia's Explanation".

What, then, does disobedience of the obnoxious law mean? That is exactly what needs to be understood. If the law is repealed and replaced by another even worse, we shall have gained nothing. The point is that the obnoxious law puts us in fetters, and they must be broken. It fetters us because if we submit to it, we must endure all manner of harassment by the Government. How can we put up with that? Once the fetters are broken, the Government will cease enacting unwanted laws affecting us, and will consult us beforehand. Does it bind itself so to consult us? Both yes and no. It will undertake to consult us—it has done so before—so long as we are prepared to fight against it with the sword of satyagraha. It will cease to remain so bound the moment we abandon satyagraha.

The Government is prepared to safeguard the rights of those who hold the £3 registers. It also offers the right of appeal to the Supreme Court.

But it will not allow educated Indians to enter. What does this mean? Many people imagine that the term "educated Indians" denotes clerks. This is a mistake. Whether or not clerks are able to come in is another question. But forbidding the entry of lawyers, physicians, etc., is an intolerable situation. The true significance of all this is that the authorities first want to please the Indians by repealing the Act and then to finish them off.

A lawyer or a physician is not worth more than a businessman or a farmer. But a trader is concerned with trade. A lawyer's duty is to fight and help others fight. There is no country in the world where the people have progressed without lawyers or physicians. Businessmen, landlords and farmers are like the torso, but lawyers and other [professional men] are like the arms of the community. The torso is the main thing. But it will be useless without the arms. The question of educated Indians, therefore, deserves serious attention. It can be asserted that the campaign that is to follow [will be launched] only on their account. That is so, indeed. How can the community ever assure the Government that it will give up the fight if educated Indians are kept out? If the community made such a mistake, it would invite scorn from India. If, on the other hand, it fights out that issue, it will win the admiration of all Indians.

This struggle is thus not aimed merely at securing the repeal of the Act. It is a conflict between the whites and the Coloured persons. The whites want to ride roughshod over us, to keep us down always as slaves. We want to be their equals.

This is the significance of the campaign and satyagraha will prove equal to its name only when every Indian has it impressed deep in his mind. The sword of satyagraha is not to be used for cutting dung cakes which is what the domiciliary rights of a handful of

Act. In reply to arguments by the pickets at the gate they said: "Gandhi made the people give 18 digit-impressions; what is wrong with our giving two thumb-impressions?" For there were now 16 impressions less! Many persons reasoned with these men, but to no avail. Thus were [at once] exemplified the ignorance about and the beauty of satyagraha. Ignorance, because people compared the giving of 18 digit-impressions voluntarily with the giving of two thumb-impressions [compulsorily] under the law. Beauty, because satyagraha can be waged continuously. That some persons have abandoned it should not come in the way of the others who have not forsaken it. Though many Indians have given their thumb-impressions, there are many others who are unyielding. They know that it is wrong to give thumb-impressions. Even [one's] signature should not be given under the law. In fact, many persons, having gone to the municipality, returned [without giving thumb-impressions]. A number of them continue boldly to trade without licences, holding themselves in readiness for gaol [life].

Thus those who are now ready to go to gaol are true satyagrahis for it is in the interests of others that they are offering satyagraha.

And who are these others? (1) Those who are in possession of £3 registers; (2) refugees; (3) those whose applications Chamney is still holding up; and (4) educated Indians.

Educated Indians

The fight now is really on behalf of the educated Indians. And it is a just cause to fight for. It is General Smuts' intention to reduce the Indians to slavery by keeping out the educated among them. How can this be allowed? How can the Indian community agree to this wrongful denial of the rights of educated [Asiatics to enter the Colony]? Everyone assents to this argument and admits that it would be a dishonour for the Indians to do so.

The proposed movement can be carried on even if Indians do not join it in their thousands. If 500 Indians of true mettle, prepared for the worst, take the field, Indian honour will be vindicated. There was a suggestion that Mr. Jinnah, Bar-at-Law, be invited to join [the campaign]. Should the Indian community now agree [to the Act], as he may not be allowed to come? Mr. Dawad Mahomed's son is in England for his studies. Should he not be able to return after completing them? Must it only be through Mr. Smuts' grace that he should be able to come back? Mr. Joseph Royeppen is due to return in a few days. He was born in South Africa but he cannot come in either. How can the Indian community countenance all this? It should be borne in mind that it is being asked to assent to all these restrictions. It would be a different matter if they were to pass a law to this effect on their own. We could then fight against it,

who are firm in their determination [to resist the Act] had better send in their registers immediately to the British Indian Association.

Lack of Funds

This movement does not require much money. But a small sum will certainly be necessary. The Association's reserves have been badly. depleted, with the result that cables cannot be sent to England or India as often as desired. It is, therefore, necessary for every Committee and every Indian to send in as much money as possible. Barberton Indians have sent letters and telegrams of encouragement and also remitted £10 by draft.

Essop Mia as Hawker

On Tuesday evening, Mr. Essop Mia called a meeting, asking Mr. Gandhi to stay away. It was attended by nearly 200 Indians. The meeting decided most emphatically that Indians should never agree to the exclusion of educated Indians from the Transvaal. Mr. Essop Mia applied for a hawker's licence to give a stimulus to the movement and to forgo the protection afforded him by his voluntary registration certificate and trade licence. Since he refused to give thumb-impressions, he was not issued the licence he had asked for. Mr. Essop Mia will now make his rounds as a hawker without a licence and visit the houses of prominent whites to sell them fruit. He will carry a small basket with him. He thus wants to challenge the Government to arrest him. His spirit has infected numerous other Indians. The Chairman of the Hamidia Islamic Society and other Indian leaders will follow suit. Some educated Indians have also decided to do the same. If the spirit is maintained, the fight will have an early end. A community that has such brave men will never have to give in. A new spirit is abroad in the community, and the great significance of the movement is being realized in increasing measure.

Pickets Ready Again

The following Indians have volunteered to picket and dissuade people from going to the municipality to take out licences after giving their thumb-impressions: Messrs Bhaiji Ebrahim, Ali Ismail, Mulji G. Patel, Ali Umar, Ranchhod Mitha, Bagas Bapu and others.

Late News

The Star has reported that the Government will seek a settlement even in regard to educated persons.

[From Gujarati]

Indian Opinion, 18-7-1908

and accumulate wealth. Those who hold these views show little concern for ethical principles. For the person who values ethical principles and does not yield to avarice has a disciplined mind; he does not stray from the right path, and influences others merely by his example. If the individuals who constitute a nation do not observe moral principles of conduct, how can the nation become moral? If we behave as we choose and then point the accusing finger at an errant neighbour, how can the result [of our actions] be good?

We thus see that money is no more than a means which may make for happiness or misery. In the hands of a good man, it can be used for cultivating land and raising crops. Cultivators will find contentment in innocent labour and the nation will be happy. In the hands of bad men, it is used for the production, say, of gun-powder, and bringing utter ruin on the people. Both those who manufacture gun-powder and those who fall victims to it suffer in consequence. We thus see that there is no wealth besides life. That nation is wealthy which is moral. This is not the time for self-indulgence. Everyone must work according to his ability. As we saw in the illustrations earlier, if one man remains idle another has to labour twice as hard.[1] This is at the root of the starvation prevalent in England. There are men who do little useful work themselves because of the wealth that has accumulated in their hands, and so force others to labour for them. This kind of labour, being unproductive, is not beneficial to the workers. In consequence, the national income suffers diminution. Though all men appear to be employed, we find on closer scrutiny that a large number are idle perforce. Moreover, envy is aroused, discontent takes root and, in the end, the rich and the poor, the employer and the workman violate the bounds of decency [in their mutual relations]. As the cat and the mouse are always at variance with each other, so the rich and the poor, the employer and the workman become hostile to one another, and man, ceasing to be man, is reduced to the level of beasts.

Conclusion

Our summary of the great Ruskin's book is now concluded. Though some may have been bored by it, we advise those who have read the articles once to read them again. It will be too much to expect that all the readers of *Indian Opinion* will ponder over them and act on them. But even if a few readers make a careful study of the summary and grasp the central idea, we shall deem our labour to have been amply rewarded. Even if that does not happen, the reward [of labour], as Ruskin says in the last chapter, consists in having done one's duty and that should satisfy one.

[1] *Vide* "Sarvodaya [-VI]", pp. 303-4.

If these three things were to disappear, not only would the British leave India without the rustling of a leaf, but it would be real swarajya that we would enjoy.

Many people exult at the explosion of bombs.[1] This only shows ignorance and lack of understanding. If all the British were to be killed, those who kill them would become the masters of India, and as a result India would continue in a state of slavery. The bombs with which the British will have been killed will fall on India after the British leave. The man who killed the President of the French Republic was himself a Frenchman and the assassin of President Cleveland of America was an American.[2] We ought to be careful, therefore, not to be hasty and thoughtlessly to imitate the people of the West.

Just as we cannot achieve real swarajya by following the path of evil—that is by killing the British—so also will it not be possible for us to achieve it by establishing big factories in India. Accumulation of gold and silver will not bring swarajya. This has been convincingly proved by Ruskin.

Let it be remembered that western civilization is only a hundred years old, or to be more precise, fifty. Within this short span the western people appear to have been reduced to a state of cultural anarchy. We pray that India may never be reduced to the same state as Europe. The western nations are impatient to fall upon one another, and are restrained only by the accumulation of armaments all round. When [the situation] flares up, we will witness a veritable hell let loose in Europe. All [white] nations look upon the black races as their legitimate prey. This is inevitable when money is the only thing that matters. Wherever they find any territory, they swoop down on it like crows upon carrion. There are reasons to suggest that this is the outcome of their large industrial undertakings.

To conclude, the demand of swarajya is the demand of every Indian, and it is a just demand. But swarajya is to be achieved by righteous means. It must be real swarajya. It cannot be achieved by violent methods or by setting up factories. We must have industry, but of the right kind. India was once looked upon as a golden land, because Indians then were people of sterling worth. The land is still the same but the people have changed and that is why it has become arid. To transform it into a golden land again we must transmute ourselves into gold by leading a life of virtue. The philosophers' stone which can bring this about consists of two syllables: *satya*. If, therefore,

[1] Gandhiji may have been thinking of the Muzaffarpur bomb incident; *vide* "Turmoil in India", pp. 223-4.

[2] President Cleveland died a natural death. Gandhiji may have had Lincoln in mind; *vide* Vol. V, p. 52.

Mahomedans, Hindus, or Christians, have taken up hawking without licences as a privilege, unused though we are to the occupation..

I am, etc.,
IMAM A. K. BAWAZEER
CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY

The Star, 18-7-1908

221. EXTRACT FROM LETTER TO CHAPLIN[1]

July 20, 1908

. . .The Indians did not ask for anything new at all under the Immigrants' Restriction Act. Indians with educational attainments can enter not as a matter of form, but as a matter of right. It is General Smuts who now asks Indians to consent to an alteration of that law so as to make such Indians prohibited immigrants. . .

India Office, Judicial and Public Records: 3722/08

222. TRIAL OF SORABJI SHAPURJI-III

[JOHANNESBURG,
July 20, 1908]

In B Court, on Monday last, the 20th instant, before Mr. H. H. Jordan, Mr. Sorabji Shapurji appeared charged with failing to obey the Magistrate's order to leave the Colony within seven days of the 10th instant, under Section 7 of the Peace Preservation Ordinance. Mr. Cramer prosecuted, and Mr. M. K. Gandhi appeared for the defence. The accused pleaded not guilty. . . .

Superintendent J. G. Vernon stated that he arrested the accused at 7 a.m. on the 20th instant in the Malay Location. He arrested him for not producing a certificate or authority to reside in the Colony after the warning received from the Court to leave within seven days from the 10th instant. The accused replied that he did not intend to leave. Witness handed in a number of copies of the *Gazette* containing the Asiatic Law Amendment Act, the regulations thereunder, and notices regarding its enforcement.

Cross-examined, [he said that] a letter had been sent by Mr. Gandhi to the Deputy Commissioner of Police stating that the accused was prepared to attend the Court at any time his presence was required. Asked why then accused had been arrested, witness replied that he did not accept instructions from anyone except his superior officers. He had received instructions to arrest the accused and had used

[1] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

223. SPEECH IN JOHANNESBURG

[*July 20, 1908*]

. . .At the conclusion of the Court proceedings[1], Mr. Gandhi addressed the crowd outside his office.

Mr. Sorabji, he pointed out, had gone to gaol because of a principle and not to open the gates of the Transvaal to the unrestricted immigration of Asiatics. He had come in under the Immigration Act in order to pass the educational test of that Act which made no distinction as to race, class or colour. He had studied English for seven years, but he now found that all his English was of no avail, notwithstanding that the Immigration Act was general in its application and that he was a British subject in a British Colony.

The next step, continued Mr. Gandhi, was for those Indians who possessed licences to return them and stand the consequence of being arrested for trading without licences and going to gaol; also for them to return their certificates. It was only by showing that they were willing to undergo communal suffering and not to avail themselves of any present privileges that they could bring conviction to the minds of the European community that they were fighting for principle. He repeated that the Colonial Secretary had promised unconditionally to repeal the Asiatic Act provided the Asiatics registered voluntarily, but this promise had not been kept.

Before the Indians broke up, some handed over their trading licences and several their registration certificates, and it is expected that this example will be largely followed. The Indians, we understand, are indignant at the manner in which the police cleared them away from the entrance to the Police Court during the afternoon, and also at the sentence passed on Mr. Sorabji, contending that hard labour should not have been given for what they consider a political offence.

Indian Opinion, 25-7-1908

224. CABLE TO S.A.B.I. COMMITTEE

JOHANNESBURG,
July 20, 1908

[AFRICALIA
LONDON]

SORABJI SHAPURJI SENTENCED MONTH HARD LABOUR DISOBEYING ORDER LEAVE COLONY. ENTERED UNDER IMMIGRATION ACT HAVING EDUCATIONAL QUALIFICATIONS. CHARGED NOT REGISTERING UNDER ASIATIC ACT. WAS WILLING VOLUNTARILY

[1] In the case of Sorabji Shapurji earlier in the afternoon

Suliman Bagas pleaded not guilty. Police evidence was led to the effect that, at 3-30 p.m. on the 18th instant, accused was exposing fruit for sale on the Village Main Reef property. There were several Natives about. Accused was selling fruit from a basket. Witness saw accused sell bananas and oranges. He watched accused for 25 minutes. He asked accused for his licence, and the latter produced one that had expired on June 30, but he did not have one for the current quarter. He was hawking within the municipal area.

Cross-examined, [he said] he had received instructions to arrest all such men. He did not know whether accused had already applied for a licence.

This closed the case for the Prosecution.

Accused, giving evidence on his behalf, stated that he had applied for a renewal of the licence, but he had been asked to give his thumb-impression under the Registration Act, and as he had refused to do so, he had not been able to obtain a licence.

Mr. Gandhi then stated that he wished to give evidence. It would not be political, but would be entirely relevant to the matter before the Court. His client had not received a licence because instructions had been issued to the Municipality that all Asiatics applying for licences should undergo the formalities prescribed under the Asiatic Law Amendment Act. In the month of January there was a settlement arrived at between the Government and the Asiatic communities whereby those who voluntarily registered were not to come under the Asiatic Act. His client had voluntarily registered, and because he had now been called upon to accept the Asiatic Act, under a resolution passed by the British Indian Association, accused, in common with other Indians, had tendered the licence fee but had declined to accept the formalities of the Act.

The Magistrate inquired of the Prosecutor whether he had received any instructions in these cases. Mr. Shaw replied in the negative. There were some, some months ago.

The Magistrate ordered that the case should be put back until Wednesday, pending inquiry.

Indian Opinion, 25-7-1908

227. *SPEECH AT MASS MEETING*

[JOHANNESBURG,
July 20, 1908]

We have been informed through Mr. Cartwright that the Government will agree to a settlement if we do not insist on the rights of educated [Asiatics]. But all of you resolved at a previous meeting that you would agitate for the cause of the educated. Your decision is commendable. We certainly cannot agree to the abolition of the rights of educated Asiatics. Notices were published by the Government in newspapers to the effect that the [Asiatic Registration] Act would stay,

228. TRIAL OF ISMAIL AKOOJEE AND OTHERS

[JOHANNESBURG,
July 21, 1908]

On Tuesday, the 21st instant, in the same Court [before Mr. P. C. Dalmahoy in D Court], Ismail Akoojee was charged with trading without a licence. He pleaded not guilty. Mr. Gandhi appeared for the defence.

J. B. Barret stated that he was a Licensing Inspector under the Johannesburg Municipality. On the previous day, on the Market Square, within the Municipal area, he had seen accused exposing fruit for sale. He had asked accused for his licence, but the latter had replied that he did not have one.

Cross-examined, [he said] he did not know anything about Government instructions.

T. H. Jefferson stated that he was Chief Licensing Inspector of the Municipality of Johannesburg. He produced *Government Gazettes* containing the Asiatic Law Amendment Act, the regulations thereunder, and the notices thereunder authorizing him to prosecute. He had seen a letter addressed to the Town Clerk by the Registrar of Asiatics, dated the 7th instant, stating that the Asiatic Law Amendment Act was to remain on the Statute-book, and that no licences were to be renewed or issued except to Asiatics who produced registration certificates and gave thumb-prints under the Act.

Cross-examined, he recollected that, in January last, several prosecutions took place, and that Asiatics were then sentenced.

In the month of February the Government had issued instructions to him to issue licences to all Asiatics who produced a letter from the Registrar of Asiatics acknowledging having received an application for voluntary registration. Such Asiatics were not called upon to give any thumb-impressions at all. It was competent then for him to give licences for the quarter ended March 31, and afterwards he was authorized to issue licences to the quarter ended June 30. He did not think that any licences had been issued from his Department for the whole year. The instructions contained in the letter of the 7th instant were the revised and most recent ones. He admitted that many Asiatics had produced voluntary registration certificates but had declined to give thumb-impressions.

[MAGISTRATE:] If thumb-impressions are refused?

JEFFERSON: I refuse to give licences. The registration certificate must be produced.

Witness did not think that there had been any refusal to produce registration certificates. Registration certificates had not been produced only by those who had not received them.

In reply to the Magistrate, witness stated that it was unnecessary up to the end of June to give thumb-impressions. There had been no intimation thereafter of that requirement until Asiatics came to apply for licences. There was nothing in the

ARRESTED SIMILAR CHARGE REFUSED BEING BAILED. CHAIRMAN BELONGS MAHOMEDAN PRIESTLY CLASS. PROFOUND SENSATION.

M. K. GANDHI

India Office, Judicial and Public Records: 2896/08

230. SUMMARY OF LETTER TO GENERAL SMUTS[1]

July 21, 1908

Mr. Gandhi, in a letter to General Smuts, points out that, while so many of the rank and file of the community are suffering imprisonment under the Registration Act, he himself, who has also not taken out a certificate, and is the chief instrument in his countrymen having done what they have, is still at large. He asks, "Is it courageous to leave me alone and to harass poor Indians?" He reasserts his eagerness to serve the people of the Transvaal generally as to serve his own countrymen.

India Office, Judicial and Public Records: 3722/08

231. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 21, 1908

DEAR MR. CARTWRIGHT,

Eight Indian hawkers, four Mahomedans and four Hindus, have gone to gaol today for four days' imprisonment for hawking without licences.[2] The imprisonment was with hard labour. Mr. Imam Abdul Cader, Chairman of the Hamidia Islamic Society, Mr. T. Naidoo, co-signatory with me to the letter sent from the gaol, and four others have also been arrested for hawking without licences. These last are all gentlemen who, in the ordinary walk of life, are not hawkers, but they have taken to it by way of protest. The arrest of Imam Abdul Cader will create a sensation, not only in South Africa, but throughout India. The word "Imam" means "priest". His vocation was, and still is very often, that of priest at the Mosque, and the position of Chairman of the Hamidia Islamic Society is also a very responsible one.

I am,
Yours sincerely,

ALBERT CARTWRIGHT, ESQ.
PRETORIA

From a photostat of the typewritten office copy : S. N. 4853

[1] The passage above is from a precis of events Ritch sent to the Colonial Office as an annexure to his letter of October 6, 1908. The original letter itself is not available.

[2] *Vide* "Trial of Ismail Akoojee and Others", pp. 382-3.

The Crown Prosecutor said there were a certain number of exemptions, and witness would probably know if he was exempt.

Mr. Gandhi said he had not the slightest information of any exemption. His position was that his client felt aggrieved and decided to suffer with his poorer countrymen because they were suddenly called upon to submit to the Asiatic Act, having complied with voluntary registration. They thought they would not be called upon to do so.

THE MAGISTRATE : You took to hawking lately to put yourself in the same position as the hawkers?

ACCUSED : I took to hawking to defend my people.

MR. GANDHI: You are one of the people who assisted the Government in carrying out the compromise?

[ACCUSED :] Yes; I endeavoured to explain to my own people what the compromise was, and I told them if they complied with voluntary registration, they would not be called upon to submit.

[GANDHIJI:] And the members of the Society you represent followed your advice and took out voluntary registration certificates?

[ACCUSED :] Yes.

In further examination, the witness said he had seen a circular in connection with hawkers who did not comply with the Act. He was married and had a wife and children residing in Johannesburg, and he had resided there himself for 13 years.

THE EXEMPTIONS

Mr. T. H. Jefferson, Chief Inspector of Licences, called by Mr. Gandhi, stated he had got a list of names of people who were exempted from having to comply with the terms of the Act. They were not compelled to give thumb-impressions. He could not recall the names and he only got the list yesterday. He did not know if any of the accused were exempt.

Mr. Gandhi, in his address to the Court, said the only point he would deal with was the question of exemptions. He asked the Court to take note of the arbitrary proceedings on the part of the Government. He had absolutely no knowledge that there were any exemptions, but he wished to point out that in the Asiatic Act there was absolutely no authority given to the Government to grant exemptions, and was the Court going to countenance an arbitrary administration of the Act?

The Magistrate said the charge was admitted and that was all he had got to do with it. He sentenced the accused to pay a fine of 10 s or [undergo] imprisonment for four days with hard labour.

Mahomed Ebrahim Kunkey, Moosa Bagas, Mahomed Ebrahim, Ahmed Mahomed Motara and S. Bagas were similarly sentenced after formal evidence.

Thambi Naidoo was also charged with hawking without a licence, and after formal evidence of arrest the accused gave evidence. He stated he was a cartage contractor and had taken to hawking since last Friday. He went to gaol in January last for non-compliance with the Registration Act. He was one of the signatories to

All this tyranny is the consequence of our being thought an unworthy people. When the authorities realize our strength, they themselves will feel humbled.

SENTENCES ON HAWKERS

Messrs Ismail Akoojee, Moosa Essop, Dahya Prag, Hari Bhikha, Saleji Bemat, Ismail Ibrahim, Keshav Gulab, and Nagaji Morar, all hawkers, have been arrested. Their case was heard on Tuesday.[1] After evidence had been tendered in their cases, Mr. Gandhi pointed out that arresting these men amounted to an attack on the poor. They were not criminals. He asked why the Indian leaders who had openly defied the law were not touched. The Government had issued licences independently of the [Asiatic Registration] Act in February. Why did it now insist on issuing them only under the Act?

The Magistrate sentenced these Indians to a fine of 10s each or, in default, four days' imprisonment. The brave Indians have offered to go to gaol, refusing to pay the fine.

IMAM SAHEB ARRESTED

On Tuesday afternoon, Imam Abdool Bawazeer and Messrs Gavarishankar Vyas, Mulji Patel and Gulabbhai Kikabhai Desai were arrested. They were hawking in Market Square. Mr. Thambi Naidoo was arrested on Tuesday morning. He was arrested on the same charge. Mr. Gavarishankar Vyas and Mr. Thambi Naidoo, too, were in gaol in January. All of them refused to bail out. Is there any Indian who does not both weep and smile on reading this? One cannot but weep at the thought of these Indians, used to a life of comfort, undergoing so much suffering for the sake of their motherland. One must smile at the thought that there are men of such rare courage in the Indian community, who will be the means of its deliverance.

Mr. Abdool Kadir Bawazeer is an Imam. He is Chairman of the Hamidia Islamic Society. I would say that, on the day on which he is gaoled, Indians throughout South Africa should go on a strike.

Wednesday [July 22, 1908]

After sending off the above report yesterday, I heard that Mr. Ebrahim Kunkey had been arrested.

Mr. Imam Abdool Kadir and others whose names I have already mentioned and Mr. Kunkey refused to offer bail and remained in gaol for the night. Plenty of food was sent to them in gaol. Each of them was given three light blankets for a bedding.

[1] *Vide* "Trial of Ismail Akoojee and Others", pp. 382-3.

us in doing this wonderful thing. I think that a new spirit has been infused into Indians throughout South Africa, and if that spirit continues, I think that we shall have to thank the Government for it. Last January, when we embarked upon the passive resistance struggle in earnest, the ground had been prepared for close upon 16 months, but it was only in the month of January last that General Smuts and his co-Ministers were able to test the reality of the feeling that underlay the whole Indian agitation against the Asiatic Act, which, rightly or wrongly, Indians considered constituted an attack on their self-respect, their honour, and their religion, but perhaps the finishing touch was not put upon the whole thing when the prisoners were suddenly discharged owing to the compromise. That finishing touch, in my opinion, is being placed upon the whole thing on this occasion. Evidently, General Smuts has been informed by some enemies from out of our own camp that the agitation last year and during the month of January was mostly manufactured and that I was principally instrumental in keeping the fire up. I think that General Smuts has now, by this time, come to understand that the agitation was not manufactured, that the movement was absolutely sincere and spontaneous, and, if I had any part in connection with the movement, the part that I played was that of a humble interpreter between the Government and my own countrymen. I was undoubtedly the first man to inform the community of what the Asiatic Act meant. I was the first one undoubtedly to point out that it bristled with objections, religious, and on the score of the community's honour, but, having done that, I claim to have done everything that it was my duty to do. It was the Indians themselves who recognized the importance of the objections that I ventured to place before them, and they decided solemnly and sincerely not to accept the Act. And here we are today in order to emphasize our objections, and we find also that one of the best men in South Africa among our own countrymen, the respected Chairman of the Hamidia Islamic Society, has chosen to go to gaol rather than enjoy the liberty that he had received owing to his having received the voluntary registration certificate. He chose to suffer with his humbler countrymen, the hawkers, and he felt that he himself would place himself in the same category and suffer imprisonment for the sake of the honour of India, for the sake of the hawkers themselves, whom the Government wanted to have in their grip; and we have assembled this afternoon to do honour to that beloved fellow-countryman of ours, as also the others who have gone with him to share the miseries of a gaol life. It is true that the imprisonment is to last only four days—but is it only? Indians, who have not been used to a gaol life, who have never been able to accommodate themselves to the hardships of life, to them even a day's imprisonment is a great thing, and does not sentiment count for something in matters of this

certificates? Are they to live upon the charity of their fellow-countrymen? I think that it is utterly impossible. Then these men must honestly earn their livelihood, and the only advice that it was possible for the British Indian Association to give these men was to trade in spite of the refusal to issue licences on the part of the Licensing Officer.[1] The hawkers and store-keepers whose licences ended on the 30th day of June are also in a similar plight. They are now called upon by the Government to submit to the Asiatic Act so far as licences are concerned, before licences can be issued to them. Are they then to sit still? Are they not to trade until it pleases the Government to bring forward their legislation? It is not we who are waiting, or who can afford to wait. It is utterly impossible for us to take up any such position. We are taking no irrevocable step, but we are taking every step that we must take in self-defence. If we are to live in this country as honest citizens, if we are to earn our livelihood honestly, then it is absolutely necessary that we carry on our usual occupations, and for these occupations are required licences, and, if the Government will not issue these licences, it is necessary for us to trade without them. Some hawkers have already taken out licences. I understand that 300 have had licences issued to them without submission to the Asiatic Act. Four hundred have taken out licences by giving thumb-impressions. They did not know what they were doing. They did not know that they were submitting to the Asiatic Act by giving thumb-impressions. The balance have now come to know what the Government intend to do. Are they, again I ask, to sit still and not carry on their occupation? It is utterly impossible. It might be asked why should prominent Indians go and take up hawking and force matters. The answer is obvious and very simple—it is not possible for these men to sit still and remain in their homes, when they see poor hawkers, who perhaps do not understand the position just as well as the leaders do, suffering. I think that the leaders would have failed in their duty if they had not come forward and taken up hawking for themselves, in order that they might be able to direct their poorer countrymen, in order that they might be able to explain the real position to their poorer countrymen.

I understand that, this afternoon, Superintendent Vernon and a detective went amongst some of the Tamil members of the Indian community. He asked these men to produce their registration certificates, and I understand also that there was hard swearing indulged in by one or other of the officials. I understand that it was Superintendent Vernon who used an expression unbecoming for me even to repeat. I will not repeat that expression. I do say this that, if my countrymen have the

[1] *Vide* "Johannesburg Letter", pp. 332-3.

even in the Transvaal as men, as human beings, and will not be treated as dogs.[1]

Indian Opinion, 1-8-1908

235. LETTER TO "INDIAN OPINION"[2]

JOHANNESBURG,
July 24, 1908

THE EDITOR
INDIAN OPINION

SIR,

I wish to draw public attention to the case of *R. Lalloo* v. *Rex*, reported in the Press.[3] The case, which, fortunately, has been now considered by the Supreme Court, shows most clearly that the Immigrants' Restrtiction Act does not prohibit the entry of those Asiatics who can comply with the education test. The summons issued against Lalloo charged him with contravening Section 25 of the Immigrants' Restriction Act, in that he, being unable to write in European characters, having insufficient means to support himself, and being the minor child of a prohibited immigrant, was himself a prohibited immigrant. Had he, then, been able to satisfy the education test, assuming that he had sufficient means to support himself, he would not have been prevented from entering the country. Sir William Solomon, in giving judgment, said:

> His (Sergeant Mansfield's) evidence was that the prisoner could not write any document in a European language, and there was no denial of it. Sergeant Mansfield could only have obtained the information either by asking the accused to write or the accused telling him that he could not write, in which case, it would have been a farce to call upon him to write a document in English characters.

It will, therefore, be seen that, according to the learned Judge, the Immigrants' Restriction Act does not debar Asiatics possessing educational qualifications from entering the country. In the light of this judgment, the British Indian contention is absolutely upheld and strengthened by the incarceration of Mr. Sorabji, who lawfully entered under the Immigrants' Restriction Act, but became a criminal because he would not submit to the Asiatic Act.

[1] Following this, Gandhiji made another speech in Gujarati, the text of which is not available.

[2] This was published under the title "The Immigration Question".

[3] *Vide* "Johannesburg Letter", p. 411.

237. SORABJI SHAPURJI OF ADAJAN

Mr. Sorabji Shapurji Adajania has been sentenced to a month's hard labour.[1] We take this to be the conferment of an honour on him. A time is coming when, to ascertain the number of titles a man holds, we shall have to inquire of him how often he has been to gaol. Sorabji's case is different from those of the others and such as brings him greater credit. Other Indians went to gaol in defence of their own rights as well as those of others. They were all, however, residents of the Transvaal. Sorabji is not domiciled in the Colony. He did not have to defend any rights of his own. Sorabji has gone to gaol exclusively for his country's sake, and in defence of educated Indians' [rights]. Other Indians were not awarded hard labour, but Sorabji has been. He and his family deserve to be complimented on all this. But the best compliment Indians can pay Sorabji will be to remain very firm, to achieve the objective which he has sought to serve by going to gaol, and to follow him there. That would be the right way of congratulating him.

We will not commiserate with him or his family. Imprisonment is our destiny. It contains the seeds of our freedom, so that there is no call to console those who are gaoled.

The hardships of gaol must be looked upon as comforts. Only when we are inspired with such courage and such ideals shall we be able to fulfil our tasks.

We print a photograph of Sorabji in this issue. Everyone will admire his courage. Few indeed are the heroes who join the fray from no other motive than the [pleasure of] battle.

[From Gujarati]
Indian Opinion, 25-7-1908

[1] *Vide* "Trial of Sorabji Shapurji-III", p. 377.

severely restricted; but, if the Colonists demand that even the most highly educated Indians shall not enter the Colony, they require not only the severe restriction of immigration, but total prohibition. What British Indians have offered is, in effect, equivalent to total prohibition, and yet it is not quite that. Underlying the total prohibition is the desire, I understand, that trade competition on the part of British Indians should be confined only to those who are domiciled in the Colony. If that be so, the desire is entirely met by confining the entry of educated Asiatics only to those possessing education of a very high order; in other words, in practice it may be limited to professional men. I need hardly point out that a free and healthy Asiatic community in the Transvaal would be impossible without, say, a few lawyers, a few doctors, a few teachers, and, it may be, a few preachers amongst them who are their own kith and kin. These should not come to the country on sufferance, but as a matter of right. These can never enter into competition with the Europeans; but, assuming that they would be men of the right stamp, they can promote the progressive growth of the Indian community in the Transvaal, and can only be of very great assistance to it, and, indeed, to the Colonists. The only reasonable way in which this can be done is by leaving the immigration law as it is, without making the principle of the Asiatic Act applicable to such cases, for the simple reason that no identification can be necessary for men of education. To ask us to consent to an alteration of the law so as to bring about absolute exclusion of educated Indians is not only an additional objection, but, in my opinion, an insuperable one. Of course, the Parliament of the Colony can at any time bring forward prohibitory legislation independent of our consent. I should personally strain every nerve to oppose absolute prohibition, and should ask my countrymen to offer passive resistance to such law. Whether I would be able to carry them with me or not in such a case, it is difficult for me to judge at present, and passive resistance in connection with any such legislation can only mean that Indians would far rather leave the country than live in it deprived of the natural assistance of educated men such as I have described above. Passive resistance, in my opinion, means self-imposed suffering of an acute type, intended to prove the justice of the cause, and thus to bring conviction home to the minds of the Colonists. I hope that I have made the position clear.

I am,
Yours truly,
M. K. GANDHI

Indian Opinion, 25-7-1908

here is sufficiently resolute. Perhaps [further] sentences may be for longer terms of imprisonment. What we need is courage. All the traders in Vereeniging have started going the rounds hawking. The Government has served them with a written notice to the effect that those who hawk without licences will be arrested. Going to gaol is the only course by which we can avert the hardships that lie in store. We should therefore always keep our eyes fixed only on gaol. The Government's offer to exempt the voluntary registrants from the law, while enforcing it against the others, is a sort of bait. The Indian community must realize that even among the Indians the Government has created two classes. This is unjust. I would advise every Indian to fight unto death if the Asiatic law is retained. Licences and registers have not yet been received in sufficiently large numbers from the people. These should be handed over. I would also advise people to refuse thumb-impressions at Volksrust. Now we shall be deemed to have truly honoured those who have been to gaol only if we ourselves—all of us—go to gaol.

[From Gujarati]
Indian Opinion, 1-8-1908

242. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 27, 1908

DEAR MR. CARTWRIGHT,

Mr. Hosken very kindly showed me the Asiatic Voluntary Registration Bill that General Smuts intends to bring in. I need hardly say that it will never be accepted by the Indian community, if I know its temper well. It indirectly puts voluntary registrants in the same category as those who have accepted the Act. I draw your attention to the fact that it takes no note of pre-war refugees, whether holding [£]3 Dutch registration certificates or not. It rejects even the claims of those who hold Peace Preservation Ordinance permits and have thus a right to demand entry, and makes them liable to take out registration under the Asiatic Act. The Bill is, to my mind, a wanton insult to the intelligence of the Asiatics, whom it evidently assumes to be a lot of children who can be pleased by a little bit of gilding on the pill.

I know that the Progressive Party has appointed a committee to consider this Bill, and then to confer with General Smuts. This party, therefore, evidently holds the trump cards. Will it play them in keeping with the title it has arrogated to itself, or will it throw British Indians overboard? Although Sir Percy Fitzpatrick, Mr. Chaplin, and

244. *TRIAL OF RAMASWAMY AND OTHERS*

[JOHANNESBURG,
July 27, 1908]

In D Court yesterday [July 27], Mr. P. C. Dalmahoy disposed of another batch of cases in which Indians were charged with hawking without licences. Mr. Cramer prosecuted, Mr. Gandhi appearing for the defence.

The first case to be taken was that of an Indian named Ramaswamy.

After formal evidence had been given for the prosecution, Mr. Gandhi called Mr. L. H. Jefferson, Chief Licence Inspector to the Johannesburg Municipality.

MR. GANDHI: You have received a list of exemptions?

[JEFFERSON :] Fourteen.

MR. GANDHI: Will you produce that list?

The Magistrate and the Public Prosecutor both interposed and objected to its production.

MR. CRAMER : I have no objection to Mr. Gandhi asking if the accused's name is on the list.

MR. JEFFERSON : It is not on the list.

MR. GANDHI: Does this mean that I cannot see the document?

THE MAGISTRATE (to Mr. Jefferson) : Are you permitted to show the document?

[JEFFERSON:] No, Sir.

MR. GANDHI: But it must be a public document. Have you been prevented by the authorities?

THE MAGISTRATE : (interrupting) I'm not going to allow it, Mr. Gandhi; that is final.

MR. GANDHI: Have you been prevented by the authorities?

THE MAGISTRATE : Mr. Gandhi, for the last time, I will not allow this. Are you disputing my authority?

MR. GANDHI: I am not disputing your authority, but my clients are poor men, and it means a loss of 10 s to them every time Mr. Jefferson is subpoenaed.

THE MAGISTRATE : I'll note your objection.

In answer to the Magistrate, the witness said that he had received the list from the Town Clerk, who had received it from the Registrar of Asiatics.

Mr. Gandhi further asked whether the witness had been prevented by the authorities from giving the list.

THE WITNESS : I have been told not to publish the list. These are my general instructions.

Addressing the Court, Mr. Gandhi said that he held it was a most curious position that here they had a list which applied to the whole community, and which could not be produced. He thought it very remarkable that they were not allowed

for a registration certificate.[1] Young Gandhi came to Johannesburg, and immediately commenced hawking fruit, when he was arrested.

Mr. Cramer prosecuted, Mr. Gandhi appearing for the defence.

The first to be charged was an Indian named Hera Mariji.

Formal evidence as to accused's having been hawking within the municipality without a licence was given, and the accused, who pleaded guilty, was fined £1, with the alternative of seven days' imprisonment with hard labour. The next to be placed in the dock were Harilal Mohandas Gandhi (son of Mr. M. K. Gandhi), Thambi Naidoo and Govindasamy Kistnasamy, who were all described as Indian hawkers. They pleaded guilty.

A sergeant of police gave evidence that he had arrested the accused, who were hawking fruit in Bellevue East without licence.

Mr. Gandhi said he did not propose to call witnesses, but wished to make a few remarks. He had been weak enough on the previous day to protest against the increase of penalty[2], but in this instance he had a long conference with the prisoners at the gaol, and he had been requested to ask for the severest penalty. The accused had acted as they had done with deliberation. Naidoo had been in gaol last week, having been sentenced to four days' imprisonment for hawking without a licence.

THE MAGISTRATE : There is a previous conviction against Naidoo.

MR. GANDHI: Two previous convictions under this Act; one for hawking without a licence.

Continuing, Mr. Gandhi said that the two others had also asked him to ask for a severe sentence. If a light sentence was imposed, as soon as they came out, they intended to repeat the action. It would be a saving of time to give them a long sentence, and it would be better for the sake of their health if they had a sustained term.

Naidoo was fined £2, with the alternative of 14 days' imprisonment with hard labour, and Gandhi and Kistnasamy were fined £1 [each], or seven days' imprisonment, with hard labour.

Two other British Indians, named Sinnappa Rangasamy Pillay and Soopa Veerasamy Naiker, were then charged.

They pleaded guilty, and were fined £1, or seven days' imprisonment, with hard labour.

In each case the accused elected to go to prison.

The Transvaal Leader, 29-7-1908

[1] *The Transvaal Leader*, 28-7-1908, mentions that Gandhiji had written to the Registrar of Asiatics that his son did not intend to apply for a registration certificate at Pretoria. This letter, however, is not available.

[2] *Vide* the preceding item.

strengthen the bond between Hindus and Muslims. Among other things, fresh fruit, cakes, *mesul*[1], jelly and roasted *pauva*[2] were served with tea.

Mass Meeting on Thursday

Latterly, there has been no end of mass meetings. Imam Saheb went to gaol on Wednesday and there was a mass meeting[3] on Thursday. Telegrams were sent to all the towns to request that Indian shops be closed and business stopped [as a mark of respect to the Imam Saheb]. Telegrams were received in reply from all the towns to say that shops would be closed as required.

News was received that Mr. Khota, Mr. Gin and Mr. Aboo Mia Camroodeen of Heidelberg, Mr. Aba Varinde of Middelburg and most of the Indian businessmen of Krugersdorp did not act upon the Association's suggestions. On the other hand, even at Salisbury in far-away Rhodesia, shops were closed in honour of the Imam Saheb.

All these honours were accorded not to Mr. Bawazeer as an individual but to the position that he occupies, that is, to the Chairman of the Hamidia Islamic Society.

It is a great thing indeed that the Imam of a mosque should spend even an hour in gaol in defence of a [political] right. Even most of those who have submitted to the obnoxious law had closed their shops. This shows the unity in the community.

The same day a huge mass meeting was held at which spirited speeches were made.

Police Tyranny

The police misbehaved on the day on which Mr. Sorabji was sentenced. While the matter was still being pursued, Mr. Vernon used foul language while speaking to some Tamils and frightened them out of their wits. This came in for strong criticism at the mass meeting.[4] If the Indians remain strong, it is clear that the tyranny of the police will come to an end.

Arrest Again

On Saturday, Messrs Ramaswamy, Ali Mian, Gor Mian and Kanji Morar were arrested. They have been sentenced to seven days' imprisonment.[5] The Magistrate even appeared hostile but this did not dishearten the people. On the other hand, they have only become more determined.

[1] A sweet made from gram flour
[2] Rice parched and beaten flat
[3] Of July 23, 1908; *vide* "Speech at Mass Meeting", pp. 391-6.
[4] *Vide* "Speech at Mass Meeting", p. 395.
[5] *Vide* "Trial of Ramaswamy and Others", p. 405.

prison, and the prisoners had to suffer the cold for a few hours, with the result that the Imam Saheb and others felt benumbed in the feet. They were otherwise very comfortable. The rice was cooked by the prisoners themselves, and Mr. Naidoo attended to this. The tasks assigned to the prisoners were not excessive. The prisoner is required to carry loads of gravel from one place to another. This being so,[1] people [outside] remain full of courage and are not worried by [the prospect of] imprisonment. My own view is that it will be useful to accustom oneself to mealie pap. It is not at all becoming of us to ask favours from one whom we consider an enemy. However, as long as Indians are incapable of putting up with these privations, we will continue to voice our demands [to the prison authorities on their behalf].

Sorabji's Condition

Fellow-prisoners reported that, during the first few days, Mr. Sorabji was feeling rather depressed. After the others had joined him, however, he cheered up. He is now in high spirits. Mr. Sorabji has been assigned the task of sewing buttons on to shirts.

The Governor and the Chief Warder of the prison are very kind to the prisoners.

Whites' Sympathy

Mr. Littmann Brown contributed £10 to the Indian cause once before now. He has done so again and sent a cheque for ten guineas along with a letter of sympathy wishing us success. We must be grateful to such whites. A letter of thanks has already been sent to him on behalf of the Association. He is a white businessman of Johannesburg. The Indian community should patronize him as much as possible.

A sum of £25 has been received from Vereeniging, £9·10·0 from the Khatri community here, £7·15·0 from the Indian Market and £5 from Roodepoort. There is need for more money, and it is hoped that every town will send its contribution to the Association.

Meeting of Konkanis

The mass meeting of last Sunday was preceded by a meeting of the Konkani community. It was attended by a large number of Konkanis. Mr. Abdool Gani was in the chair, and everyone evinced great spirit. Many Konkani gentlemen offered to go out hawking. It was also decided to collect licences [from those who were willing to surrender them] and to raise funds.

The Kanamia community also held a meeting and displayed much enthusiasm.

[1] As the tasks assigned to prisoners sentenced to hard labour are thus not so strenuous or exacting

[being without] licences, there will be no cause left for anxiety. But he alone can take this view who is ever ready to resist tyranny and to defy the law.

If the Government behaves as suggested above, it may also be under the impression that refugees will not enter at all and that permit-holders outside [the Colony] now will submit to the obnoxious law after entering.

Key

The key, therefore, lies with us. Hawkers and store-keepers should do without licences. If someone comes to inspect licences, they should refuse to produce them. If the Government introduces a Bill of which we do not approve, we should immediately proceed to burn up the certificates and licences, and those (1) who hold the Dutch passes in their own names, or (2) who can produce strong evidence to prove that they have been residents of the Transvaal from pre-war times, [or] (3) who have received a good education in English should enter the Transvaal all at a time. If 50 or 100 men enter in this manner, the Government will be obliged to send them to gaol. We know, however, that it is difficult to send so many persons to gaol. We will embark on this plan only after the Government's intentions are known for certain. Meanwhile, educated Indians and others must wait patiently.

From this very instant, no Indian should give his thumb-impression when entering the Transvaal. All Indians should bluntly refuse to give them. We should have the requisite courage; we may then take it that the law is as good as repealed.

Among those whose names I mentioned above, Mr. Ali Mian and Mr. Kanji Morar were licence-holders, yet they refused to produce their licences and chose to go to gaol. That is real courage.

Tuesday [July 28, 1908]

More Cases

I have already mentioned above the names of Mr. Thambi Naidoo and others. In addition to these, another Indian named Hera Mawji was also arrested. They were all tried today.[1] Mr. Gandhi went out of his way to demand the maximum penalty on their behalf, but the Magistrate awarded only seven days' hard labour to each of them, except in the case of Mr. Thambi Naidoo. Mr. Naidoo was in gaol for the same offence but last week, and he was [therefore] awarded 14 days.

[1] *Vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

impression. Mr. Dorabji acted with great courage in so refusing. Local newspapers have discussed his case at length and have commented favourably. Mr. Dorabji is an old resident of the Transvaal, and enjoyed the respect even of President Kruger. All these facts have come to public notice [after the arrest]. In the end, Mr. Dorabji was allowed to proceed to the Transvaal.

Twelve More Indians

Twelve more Indians have been arrested for refusing to give thumb-impressions. Most of them are poor hawkers, but it appears that they are very brave. It is reported that they will be tried. However, no news is officially available.

Warning

Every Indian should remember not to give his thumb-impression when entering the Transvaal from Natal. Of course, Indians will have to suffer imprisonment in consequence of such resistance, but all the same it is necessary. Only then shall we become really free.

Cartoon in "Daily Mail"

A cartoon has appeared in *Rand Daily Mail*. In it is quoted a remark from General Botha's letter to the Prime Minister of Canada: "There are two ways of governing—by consent or by force". General Botha implied by this remark that he himself governed by consent. The *Daily Mail* cartoonist has featured Sir George Farrar, Mr. Gandhi, and a police constable, each wondering, chin in hand, whether General Botha's Government ruled with consent in the case of the miners, the Indians, and the police [as the case may be]. The expressions on all the three faces suggest that General Botha says one thing and does another, and that his Government is based exclusively on force.

Arrests in Booysens

We have just heard that in Booysens three Indians have been arrested for being without licences.

[From Gujarati]
Indian Opinion, 1-8-1908

[CHAMNEY :] The document is certainly a fair imitation; my signature is not.

Superintendent Vernon, recalled, stated that on searching the accused at the Charge Office he found a certificate of domicile under the Immigration Restriction Act No. 13 of 1903, also a number of poll-tax receipts. On the domicile certificate were two thumb-impressions, and the certificate was in the name of Daya Lala. On searching the accused's house Police Constable Henry was present, and saw witness recover the documents.

Mr. Schuurman asked for the purposes of the case that the finger-impressions of the accused should be taken. He would have to call expert evidence on the matter.

Mr. Gandhi said he would raise no objection, and the case was remanded.[1]

[Tuesday, July 28, 1908]

. . . On Tuesday William James McIntyre stated [in the remanded case of Daya Lala] that he was a book-keeper in Mr. Gandhi's employ. On the afternoon of accused's arrest, Superintendent Vernon had called at Mr. Gandhi's office and had asked for the accused's registration certificate. He opened the office safe and found the certificate inside. He handed it to the accused who, he believed, handed it to Superintendent Vernon.

Cross-examined, [he said] he was in charge of the safe. He had one key and Mr. Polak had another. Mr. Polak was an attorney and a clerk in Mr. Gandhi's employ.

Mr. Gandhi was then called by the Crown to give evidence. About 5 o'clock in the afternoon of the day before the arrest, accused had come to his office and said that some men were after him on account of his permit. He (Mr. Gandhi) asked him to bring his permit and, upon inspecting it, said at once that it was a forgery. He told accused so, and accused seemed surprised. He gave the certificate to Mr. Polak to put into the safe, telling accused that he need not leave the Colony. It was then late and he was leaving the office, and going next morning to Pretoria. Upon his return he would communicate with the police authorities.

W. F. Passman[2] stated that he was Record Clerk in the Criminal Investigation Department, and had examined finger-prints, purporting to belong to the accused, handed to him by Superintendent Vernon.

He had compared the right thumb-print thereof with the thumb-prints on the Natal Domicile Certificate and the alleged forged certificate, and found them the same.

L. H. Bradford stated that he was a detective probationer. He had taken accused's finger-prints the previous morning. They were those produced. This closed the case for the prosecution.

Mr. Gandhi intimated that the defence would be reserved, and the case was remanded until the following morning, in order to formally read over the evidence to the accused.

[1] The report of the first day's trial is from *The Transvaal Leader*; for the second and third days of the trial, the *Indian Opinion* version has been used.

[2] The *Transvaal Leader* version has "Passmore".

249. SENTENCE ON THE GREAT TILAK

The sentence passed on Mr. Tilak, the great patriot, is terrible.[1] The few days' imprisonment which the Transvaal Indians suffer is as nothing compared to transportation for six years.

The sentence is not so much surprising as terrible. At the same time it is nothing to be unhappy about.

It is not surprising that a Government we seek to defy should inflict oppressive measures on us. Mr. Tilak is so great a man and scholar that it would be impertinent, in this country, to write of his work. He deserves to be adored for his work in the service of the motherland. His simplicity is extraordinary; but the light of his scholarship has reached even Europe.

Yet we should not blindly follow the policies of those whom we regard as great. It would be casting a reflection on Mr. Tilak's greatness to argue that his writings had no bitterness in them or to offer some such defence. Pungent, bitter and penetrating writing was his objective. He aimed at inciting Indians against British rule. To attempt to minimize this would be to detract from Mr. Tilak's greatness.

The rulers are justified, from their point of view, in taking action against such a man. We would do the same in their place. If we look at the matter thus, we realize that we need not feel bitter towards them.

Mr. Tilak, however, deserves our congratulations. He has, by his suffering, attained undying fame and laid the foundations of India's freedom.

If the people, instead of being overawed at the sentence passed on Mr. Tilak or being intimidated by it, rejoice at it and keep up their courage, the sentence will in the sequel prove to have been a blessing. What we need to consider is whether Indians should accept the views of Mr. Tilak and his party. We submit, after great deliberation, that Mr. Tilak's views should be rejected.

[1] Shortly after the Muzaffarpur incident (*vide* p. 223), Tilak wrote two articles in his journal, *Kesari*, praising the enthusiasm of the Bengal revolutionaries without, however, endorsing their violent methods. Self-rule, he said, was the only lasting solution to the problem. He also warned the Government against suppressing public opinion through the Newspapers Act. On June 24, he was arrested on a charge of sedition on two separate warrants, one for each of his two articles. Tilak was found guilty by the jury by a seven-to-two vote and was sentenced to six years' deportation. The majority of the jury were Anglo-Indians, the two dissentients being Indians.

in the Cape busy themselves with their duties, all their disputes will come to an end. They should both think of serving the community without expectation of reward.

[From Gujarati]
Indian Opinion, 1-8-1908

251. PARLIAMENT FOR TURKEY

Reports have appeared in newspapers that the Young Party[1] in Turkey has brought about reforms in the Government. The people are pleased, a cablegram reports, because the Sultan has adopted a constitution for the governance of the country, and the occasion is being celebrated everywhere. The news agency also reports that Turkey will soon have a Parliament similar to the British Parliament.

If the report is true, it is indeed an epoch-making development. Turkey has among its common people and nobility men of such [remarkable] stature that, when she comes to have a Parliament, they can put her on par with the great European states, and indeed make her a world power. The country is so situated that it can achieve a commanding position.

Thus, the world over, we hear the cry of swarajya. However, those who demand it hardly understand what real swarajya means. The Transvaal struggle involves Turkey's honour as much as India's. It is obviously the duty of Muslims to carry on that fight till the end. It is the duty of Hindus to join it, as they are brothers of the Muslims. For they are [both] sons of the same Mother India. Also, although voteless, they have both to win swarajya in the Transvaal and they have an opportunity of doing that without much effort.

[From Gujarati]
Indian Opinion, 1-8-1908

[1] Presumably, a reference to the "Young Turks" who worked, through secret societies and publications, for resumption of parliamentary government. On July 23, 1908, Abdul Hamid II was forced to agree to the restoration of the constitution.

Act, nor had he any wish so to apply. His reason was that, according to last January's compromise, the law was to be repealed. He would take out a voluntary registration certificate, but not a compulsory one.

Cross-examined [he said] he had learnt of the terms of the compromise through the columns of *Indian Opinion*. He was a member of the British Indian Association.

Mr. Cramer put in a previous conviction against the accused for hawking without a licence. This was admitted.

Addressing the Court, Mr. Gandhi said that he had really nothing to add, except that he was afraid that these things would continue till the struggle was over. The accused was ordered to leave the Colony within 7 days. He will refuse to obey this order.

Indian Opinion, 8-8-1908

254. *TRIAL OF TWELVE "HAWKERS"*

[JOHANNESBURG,
August 4, 1908]

In D Court, in the afternoon, before Mr. H. H. Hopkins, 12 British Indian hawkers were charged with having traded as hawkers without licences, or, alternatively, with not having their names painted on their trading receptacles.

Mr. Shaw prosecuted, Mr. Gandhi appearing for the accused.

In almost every case the accused stated that they had applied for licences, which were refused because they would not give thumb-impressions.

In the first case Mr. Gandhi asked Mr. Barrett, the Licence Inspector, whether he had hitherto taken any notice of the fact that hawkers did not have their names on their trading receptacles.

The witness replied that he had not. He stated that the accused told him that Mr. Gandhi had his licence.

MR. SHAW: He did not say whether he had 'let, hired, or lent' his licence to Mr. Gandhi?

[BARRETT :] No.

All of the accused were fined £1 [each], with the alternative of seven days' imprisonment with hard labour, with one exception. In this case Mr. Gandhi said that there were two previous convictions.

Mr. Shaw said that the accused was one of those sentenced last month for hawking without a licence, and was sentenced to pay a fine of £1, or four days' imprisonment with hard labour.

Mr. Gandhi said that the accused had been also sentenced in January last, and sentence was remitted because of the compromise.

The accused was fined £2, with the alternative of 14 days' imprisonment.

The Transvaal Leader, 4-8-1908

Lord Selborne's Speech

At his speech at Vereeniging, Lord Selborne said that no difficulties should be put in the way of Asiatics who were entitled to live in the Transvaal and that the Imperial Government should intervene to protect their rights. As to whether fresh immigration should be permitted or not rested entirely with the Colonial Government. It appears from this that the rights of educated persons may be difficult to safeguard. The remedy lies in their own hands. What the remedy is, we shall consider when that is the only outstanding question.

When Will It End ?

People go on asking when the fight will end. The Parliament here closes on the 21st. If there is no settlement before that, it may be taken that it will not come before January next. Whatever happens, it is certain that we have nothing to lose.

Sorabji's Message

Mr. Sorabji is enjoying himself in gaol.[1] Whatever the inconveniences are, he puts up with them for the sake of the community. He has sent a message through the prisoners released today that he will return to gaol after release, but will not leave the Transvaal.

Tuesday [August 4, 1908]

Muljibhai Girdharlal Patel

Mr. Patel has been seized. He was arrested yesterday for failure to take out a register under the law. Only recently Muljibhai was in gaol for four days for hawking [without a licence].[2] He will go to gaol again. Mr. Patel refused to be bailed out, so that he had to remain in the [charge] office last night. Mr. Patel was tried today, and was served with a notice to leave the Colony within seven days.[3]

Polak in Volksrust

Mr. Polak has gone to Volksrust to help Indians who might arrive there and to defend those who might be prosecuted for not giving thumb-impressions; he will stay there for some time. I hope Indians holding permits will go to Volksrust in large numbers and court imprisonment by refusing to give thumb-impressions. Mr. Polak's address in Volksrust will be : Care of Mr. Essop Suleman, Box 45. Anyone who wants to consult him should write to him in English. Mr. Polak is unlikely to stay there for more than two weeks.

[1] *Vide* "Johannesburg Letter", p. 410.
[2] *Vide* "Trial of Bawazeer, Naidoo and Others", p. 385.
[3] *Vide* "Trial of Muljibhai G. Patel-I", pp. 421-2.

Well Done Standerton!

Reports have been received of the arrest of Mr. C. L. Patel, Mr. Ismail Mahomed Dindar and Mr. Ismail Bhabha in Standerton.[1] They were charged with trading without licences. Mr. Polak rushed over to help them. They were sentenced to a fine of £3 each, or, in default, fourteen days' hard labour. They chose to go to gaol rather than pay the fine. Mr. Abdool Haq reported over the telephone that later ten more Indians had been arrested. These have also gone to gaol.

Standerton has been wonderful. It is being severely tested. I had been told that Standerton, Potchefstroom and Klerksdorp were weak, and that we should leave them out of account for purposes of our campaign. Standerton has not only disproved this report but shown the highest courage. In the same way, I believe Klerksdorp and Potchefstroom will also prove their mettle when the time comes. It has been my experience in this campaign that no one should be assumed to be weak and so left out of it, neither should anyone be assumed to be strong and therefore depended upon. This undertaking of ours is so novel that no one can be sure of himself. They alone can act bravely who feel the presence of God within inspiring them to acts of courage.

Let us all pray that everyone be given the same courage as Standerton.

Three Released

Mr. Govind Behchar, Mr. Lallu Ghela and Mr. Gokal Deva went to gaol last week, thereby serving both the community and themselves. They were released today. They were received by Imam Saheb Abdool Kadir Bawazeer, Mr. Gandhi and other gentlemen. They say that they are prepared to go to gaol again.

Whose Licences Are Illegal?

Some Indians here own rickshaws. There must be about 70 rickshaws in their possession. These Indians were asked by the Municipality to give their thumb-impressions. A notice was served on the Municipality last Saturday to the effect that licences for [plying] vehicles could not properly be called trade licences and did not as such fall within the scope of the obnoxious law. If, therefore, the Municipality did not issue licences without demanding thumb-impressions, it would be required to pay damages. I heard today that the Municipality has accepted this contention and decided to issue licences for rickshaws, etc., without insisting upon compliance with the provisions of the obnoxious law. Those who are entitled to these licences should accept them, and contrive other

[1] *Vide* also "Brave Indians of Standerton", p. 431.

256. LETTER TO W. HOSKEN

[JOHANNESBURG,]
August 5, 1908

DEAR MR. HOSKEN,

Thirteen Indian merchants were today arrested at Standerton for trading without licences. They were all sentenced to paying a fine of [£]3 or to go to gaol for fourteen days with hard labour. They all selected to go to gaol.[1] They are all *bona-fide* residents of the Transvaal, and held, I believe, licences up to the 30th June last. On their application for renewals, they were called upon to give thumb-impressions under the Asiatic Act, which they declined to do. Hence their trading without licences and hence also the prosecutions. Whatever the Progressive Party may wish to do, do you not think that, as an independent member, you should ask General Smuts a question in the House of Assembly?

One thing more. As you know, the British Indian Association has approached the Director of Prisons for giving Indian prisoners more humane diet.[2] Europeans get food suitable for them, Cape Boys get European food, and Natives get their own national diet. Indians, who are classed with Natives, are therefore entirely neglected, except that, for one meal, they get a small quantity of rice and fat. For breakfast, therefore, most Indian prisoners have to starve, as they cannot accommodate themselves to mealie pap. I am afraid that perhaps the Authorities out of sheer vindictiveness will not alter the scale for Indian prisoners, if only to harass them. Even so, I think that my countrymen will not flinch but will accept the additional brutality. But can you not put questions in the House and otherwise move actively in the matter, and bring about a reform that is just[?] General Smuts, when he was anxious to have everything from Indians at the time of the compromise, smilingly told me that he would listen to me with reference to the special hardships of Indians in the Transvaal gaols.

Those days are now gone, but I hope the days are not gone, when[3] a man like you would simply insist on some decency being observed,

[1] *Vide* "Johannesburg Letter", p. 426 and "Brave Indians of Standerton", p. 431.
[2] *Vide* "Letter to Director of Prisons", p. 397.
[3] "gone. When" in the original

battle-field, that cannot happen. For some, not being at the front is an important duty. That is true of educated Indians in this case. It is enough that there is at present one educated person who has been arrested under the immigration law—Mr. Sorabji. Meanwhile, educated Indians in Natal and elsewhere should don the monk's saffron robes and also dye their hearts in that hue. They must use their education in the service of the country and educate those who are entitled to enter the Transvaal in order to prepare them [to exercise their right]. Those who hold the £3 Dutch registers, those who, though without registers, had stayed long periods in the Transvaal before the war, and those who hold permits or registers taken out after the war—these are the persons who have the right to enter. But their rights should be genuine. We do not want impostors. If people come in without a legitimate right to do so, we shall lose the battle. These Indians, especially those who belong to the last category, that is, those who hold permits or registers taken out after the war, should be encouraged to enter the Transvaal and told that, when they cross over into the Colony, they will be asked at the border to give their thumb-impressions, which they must refuse. They will then be asked to get off [the train]. They should get down, refuse to be bailed out, and remain in the police station. They should present themselves for trial. They will either be fined or imprisoned. They should not pay the fine, and cheerfully accept the imprisonment. This is what has to be explained to Indians who are entitled to enter. Indians who are ready for this should send in their names to the British Indian Association, who should be informed when any Indian with a legitimate right leaves [for the Transvaal] by train.

Educated Indians who are patriotic should watch these trains for any Indian [immigrants] travelling by them, and properly acquaint them with the position as above. The Association should then be informed.

Every Indian should realize that the Transvaal campaign involves the interests of Indians all over South Africa. If they lose the battle in the Transvaal, they will suffer a severe set-back elsewhere. In no other part of the world have Indians done anything comparable to what has happened in the Transvaal so far. Even in India a similar battle has not been fought. The Transvaal campaign is a clear and pure one and furthers the interests of both the rulers and the ruled.

That is the point of the campaign. All Indians, high or low, should understand what their freedom really consists in. Indians who feel the urge to be free and learn to have no fear of privations in gaol or of any suffering will achieve swarajya this day. They become free from then on. As a consequence the laws [directed against them] will be repealed, the whites will respect them more, and they will not be

[Indian] licences are dwindling in number from year to year. In the circumstances, if the Indians do not bestir themselves, they will be unable to live on in peace. It will be useless merely to go on depending on the Imperial Government without doing anything ourselves. The only way of petitioning the Imperial Government is through satyagraha; it can be followed up with actual petitions, etc. The time is approaching when we shall find out whether or not Indians have the requisite courage for this. We do hope that Indian businessmen will prepare themselves to manifest this bravery.

[From Gujarati]
Indian Opinion, 8-8-1908

261. LETTER TO "INDIAN OPINION"[1]

THE EDITOR
INDIAN OPINION

SIR,

I have received inquiries from many quarters as to why I sent Harilal, my son, to gaol.[2] I give some reasons below:

1. I have advised every Indian to take up hawking. I am afraid I cannot join myself since I am enrolled as an attorney. I therefore thought it right to advise my son to make his rounds as a hawker. I hesitate to ask others to do things which I cannot do myself. I think whatever my son does at my instance can be taken to have been done by me.
2. It will be a part of Harilal's education to go to gaol for the sake of the country.
3. I have always been telling people that satyagraha is easy for those who can understand it well. When I go to defend those who have been arrested, I do not, strictly speaking, defend them but only send them to gaol. If we have acquired real courage, there should be no need for me to present myself in Court. I thought it only proper that I should make this experiment in the first instance with my son. Accordingly, no arrangements were made for him at Volksrust, and he was left to fall back on his own strength. Since there were others with him in Johannesburg, I attended the Court, but asked for the maximum penalty for him and for his associates. It was their misfortune that they did not get it.

[1] This was published in *Indian Opinion* under the title: "Why He Sent His Son to Gaol: Mr. Gandhi's Explanation".

[2] *Vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

262. LETTER TO "THE TRANSVAAL LEADER"[1]

[JOHANNESBURG,]
August 8, 1908

[THE EDITOR
THE TRANSVAAL LEADER]

SIR,

May I, through your columns, place before those of your readers who are interested in justice being done to all the inhabitants of the Transvaal a phase of the Asiatic question?[2]

I read in your impression of today's date a brief report of the two cases of Indians who were alleged to have been connected with forged certificates. One of the men secured his discharge by becoming King's evidence. The man against whom he became King's evidence has also been discharged. The public know how far one party, according to his own confession, was involved in the forgery traffic. The evidence against the other was undoubtedly, according to the newspaper reports, too weak to sustain a conviction. Thus those who are connected with the forgery are largely free. The Asiatic Law Amendment Act does not, and did not, touch them. They were not charged under it either, and I frankly admit that no Asiatic Act could deal with such cases. Wherever there is restriction on personal liberty, there will be found people ready enough to resort to a variety of practices to shirk such restriction. It is worthy of note that Indians were not the only

[1] This was reproduced in *Indian Opinion*, 15-8-1908, under the title "The Indian Struggle in the Transvaal".

[2] *The Transvaal Leader* commented editorially on this letter as follows: ". . . he asserts that Asiatics sent to gaol under the present Tom-fool administration of the Asiatic Act are being half-starved, owing to their not being given the kind of food they are accustomed to, and to their inability to consume that which is supplied to them. These men are political prisoners; it is unjust if they are put to hard labour or made to wear prison clothing; it is infamously unjust if they are treated dietetically as Mr. Gandhi says they are. We thought that countries professing themselves civilized had abolished torture. We seem to be an exception. Surely the medical authorities of the prisons are recommending the prisoners food which they can take? Are the medical officials' instructions obeyed, as it is the duty of everybody connected with the Prisons Department, from the Colonial Secretary downwards, to obey them? Are the medical officers' views being set aside? It is not as if there were any cooking difficulties. There is no food more easily prepared than rice.

If Mr. Gandhi's accusation be well founded, we are acting in a way which would disgrace a Turkish province, let alone one of the British Imperial States."

and why was the offer to repeal the Act made under impossible conditions?"

I am, etc.,
M. K. GANDHI

The Transvaal Leader, 10-8-1908

263. TRIAL OF HARILAL GANDHI-II[1]

[JOHANNESBURG,
August 10, 1908]

An unusually large crowd of Indians assembled in B Court yesterday afternoon [August 10] to hear the case of Harilal Mohandas Gandhi, a son of Mr. M. K. Gandhi, aged 20, and described as a student, who was brought before Mr. H. H. Jordan on a charge of contravening the Asiatic Amendment Act by failing to be in possession of a registration certificate.

The accused pleaded guilty, and was defended by his father. Mr. A. Cramer prosecuted.

Superintendent Vernon, of B Division, gave evidence of arrest, and further stated that he called upon the accused to produce his certificate of registration, who, however, failed to do so, saying that he did not possess one.

Mr. Gandhi, on behalf of the accused, said that the latter had no desire to leave the Colony, but nevertheless he was desirous that the Court should make an order for the accused to leave the Colony within 24 hours. He made the request because two other Indians whose time under the Act would expire on Wednesday would be ready to go to gaol. He (Mr. Gandhi) hoped His Worship would adopt this course, as the accused's affairs were in his hands.

Mr. Jordan ordered the accused to leave the Colony within seven days.

The Transvaal Leader, 11-8-1908

264. SPEECH AT MASS MEETING

[JOHANNESBURG,
August 10, 1908]

Immediately after the case in which Harilal Gandhi was charged with being in the Colony without a registration certificate yesterday [August 10, 1908,] a mass meeting of Indians was held in an open space near the Court buildings. Mr. M. K. Gandhi addressed the meeting in English, and said that he had just received a telegram from Vereeniging to the effect that several Indian store-keepers who were arrested

[1] Harilal Gandhi was earlier tried on July 28, 1908; *vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

that, when it suited them, they withdrew from their promises, and tried to break these promises, the British Indians should compel them to keep their promises, and by so doing they would be rendering a signal service not only to the Colony but to the Empire. It did not therefore baffle them when they stood face to face with suffering imprisonment, with being half-starved, and going barefooted in the prisons, and it did not baffle them when they stood face to face with having their goods confiscated. He could only characterize this as organized robbery—legalized robbery. They were now brought under a section of a law which was only designed for exceptional purposes.

Decline to Pay

He hoped that his countrymen had sufficient self-sacrifice to decline to pay their fines, and have their goods sold under their noses. He had no doubt that the Colonists themselves, when they saw that the British Indians would suffer this, they would ask General Smuts to stay his hand and keep his promises, and to repeal the Act on the conditions he had agreed upon. They had to suffer in order that they might give complete identification to the compact made by General Smuts with them. The Chairman of the British Indian Association had his nose broken because he stood up for the Government in keeping his compact with them,[1] and the reward of the Government for this was a broken promise—a breach of faith. He had no hesitation in repeating anywhere that this was the solemn promise made by General Smuts. They found that not only was the Act not repealed, but all kinds of vexatious regulations were being passed through Parliament affecting those who came from British India.

Partners in South Africa

He said that this country was as much the British Indian's as the white man's. They were partners and the white men were predominant partners, but they were only partners. The Indians only wanted justice and fair play, and if they could not get that they should show that they were prepared to suffer. His opinion was that no man who called himself a subject of King Edward should allow his rights to be taken away from him, but should suffer if necessary in order to prevent this. In this country, because they had committed the crime of having a coloured skin, they were as nothing, their feelings should be set aside, their sentiments disregarded, and their consciences set at naught. Let them show that they had sufficient of the spirit of self-sacrifice to suffer the confiscation of their property in order to compel the Government to keep its part of a compact which the Asiatics had honourably fulfilled. Mr. Naidoo had only come out of gaol that day. He (Mr. Gandhi) had declared before that Mr. Smuts was responsible for the death of the Chinaman who had committed suicide.[2] Mr. Smuts was responsible for this, and he was now responsible for the murder of

[1] *Vide* "Johannesburg Letter", pp. 250-1 and "Essop Mia", p. 256.
[2] *Vide* Vol. VII, pp. 370-1 & 397.

266. TRIAL OF QAZI HASSAN AND OTHERS

[JOHANNESBURG,
August 11, 1908]

Before Mr. Cross in C Court in the afternoon, five other British Indians were charged with hawking without licences, or, alternatively, with failing to produce their licences when called upon, and also with not having their names printed on their trading receptacles.

Mr. Gandhi appeared for the accused.

Qazi Hassan, the first to be charged, pleaded not guilty, and said that he had shown his certificate to the Inspector.

Mr. French, a Municipal Licence Inspector, gave evidence as to having seen the accused exposing goods for sale. When called upon to produce his licence, he did not do so. Later on, at the Charge Office, he produced his licence.

Mr. Gandhi said that he now understood why the accused had pleaded not guilty. He had a licence, but in common with the others had declined to produce it when the Inspector spoke to him.

THE MAGISTRATE : I am satisfied that he has produced his licence.

The Magistrate found the accused not guilty on the first two counts, but guilty of not having his name painted on his basket. He was cautioned and discharged.

Ahmed Essop was then charged, and pleaded guilty to failing to produce his licence when called upon.

Mr. Gandhi remarked that it was evident the accused's licence was in good hands.

THE MAGISTRATE : Are those your hands, Mr. Gandhi?

MR. GANDHI: I am afraid so, Sir.

The accused was fined £1 or seven days' imprisonment with hard labour.

A hawker named Packiry was then charged, and was also fined £1 or seven days' imprisonment with hard labour.

The last to be charged were Ebrahim Maravin and Ismail Ahmed.

Mr. Barrett, Municipal Licence Inspector, in giving evidence, said that he wished to mention that Mr. Gandhi had some two or three hundred licences belonging to hawkers.

MR. GANDHI: I gave that in evidence this morning.[1]

The witness said that when hawkers were called upon to produce their licences, they said that they were in the possession of Mr. Gandhi.

THE MAGISTRATE : If they hand their licences over to Mr. Gandhi, Mr. Gandhi can hardly be blamed for that.

[1] *Vide* the preceding item.

MR. GANDHI: I am afraid that the Court will not hold with your contention.

The accused was sentenced to one month's imprisonment with hard labour.

The accused has been resident in the Transvaal for nearly 10 years, and is an educated man, possessing considerable influence, particularly with one section, a division of the Bombay Hindus. He possesses a Peace Preservation Ordinance certificate issued under the agreement made with Lord Milner.[1]

The Transvaal Leader, 13-8-1908

268. JOHANNESBURG LETTER

Monday [*August 10, 1908*]

NAIDOO RELEASED

Mr. Thambi Naidoo was released at nine this morning. He was received [at the gaol gate] by Mr. Essop Mia, Mr. Imam Abdool Kadir Bawazeer, Mr. Coovadia, Mr. Kunkey, Mr. Gandhi and some Chinese. Mr. Naidoo's health has suffered somewhat. His courage, however, has doubled. He says he will court a fourth term of imprisonment.

He had to see Mrs. Naidoo without delay. He and the Indians who had gone to receive him then proceeded to his house. Mr. Essop Mia and others made short speeches and the meeting came to an end after Mr. Naidoo had replied.

Mrs. Naidoo is progressing. Earlier, she had been down with fever for two days. A social gathering of Tamils is due to take place this evening in Mr. Naidoo's honour. There is also a move to fete him in public on behalf of all the [Indian] communities.

HARILAL GANDHI'S CASE

They swooped down on Harilal Gandhi today. He was arrested on the charge of being in the Transvaal without a register. The case was heard at 2 o'clock.[2] Mr. Gandhi asked for twenty-four hours' notice since he [Harilal] had no preparations to make and had made up his mind to go to gaol. But the Magistrate gave him seven days' notice. I hope that after seven days we shall find him engaged in hard physical labour in gaol. Gaol life is good education for anyone who accepts it in full knowledge of what it means. It is an important part of children's training that they should be taught to bear hardships from their earliest years.

[1] The *Indian Opinion* (15-8-1908) report of the trial adds: "There are over 200 Indians in the same position as Patel, who are all pre-war residents of the Transvaal and holders of permits and registration certificates".

[2] *Vide* "Trial of Harilal Gandhi-II", p. 436.

community would only fulfil the one condition of remaining truthful, it is bound to win.

Tuesday [*August 11, 1908*]

NAIDOO HONOURED

The Tamils held a meeting at 6 p.m. yesterday in Market Street in honour of Mr. Thambi Naidoo. Messrs Essop Mia, Imam Abdool Kadir, Coovadia and others were present. A number of speeches praising Mr. Naidoo's courage were made, and he was garlanded and cheered. The meeting went on up to 8 o'clock.

HAWKERS ARRESTED

The following Indians have been arrested for trading without licences: Mr. Ahmed Essop, Mr. Valli Hoosen[1], Mr. Kara Odhav, Mr. Ebrahim Maravia, Mr. Ismail Ahmed, Mr. Jivan Bhikha, and Mr. Suleman Moosa. Among these, Mr. Valli Hoosen held a licence but refused to produce it. It was stated in the course of the evidence that he was later found to be in possession of a licence; he was then released. All the others were sentenced to a fine of £1, or, in default, seven days' imprisonment. They have chosen to undergo imprisonment rather than pay the fine. In this case, there was some difficulty in obtaining the sentence of imprisonment, for, in view of the bail money [that had been paid], it was feared that only a fine might be imposed as at Vereeniging. But before this could happen, Mr. Gandhi had withdrawn the bail on behalf of those accused in whose cases there was reason to fear some such development.

WARNING

One must heed this warning and not pay bail money. If it is at all necessary to offer bail-money, it must be done by other persons. The police cannot demand [payment of] bail-money. Even those who have money in their pockets must courageously refuse to offer bail.

PATEL AND NAIDOO

Mr. Patel and Mr. P. K. Naidoo, who had received seven days' notice [to leave the Colony], may be arrested any day.[2]

SORABJI

Mr. Sorabji will be released on Wednesday next, the 18th. I hope that there will be hundreds of Indians to greet and welcome him. There is a move to accord fitting honours to Mr. Sorabji.

[1] Qazi Hassan? *Vide* "Trial of Qazi Hassan and Others", p. 440.
[2] *Vide* "Johannesburg Letter", p. 424.

269. *LETTER TO "THE STAR"*[1]

[JOHANNESBURG,
August 12, 1908]

[THE EDITOR
THE STAR]

SIR,

You will, I hope, allow me to correct you with regard to the question of educated Indians, touched upon in your leader of yesterday on the Asiatic struggle.[2] British Indians do not ask for the opening of the door to educated Indians. They ask that the door should be left open as it is at present under the Immigrants' Restriction Act. You assume that a demand is being made for admitting English-speaking lads. The truth is that Indians have declared that they would be satisfied with an education test, no matter how severe, so long as the door is kept open (not now to be opened) for those possessing the highest educational attainments.

You say that General Smuts will be justified in withdrawing from any promise he may have made, in view of the above alleged fresh demand. From the facts stated by me, you can verify for yourself that no fresh demand has been made. But, supposing that it was made, would it justify General Smuts in breaking a promise which was to be fulfilled on the condition of voluntary registration being gone through by Asiatics, even though that condition had been fulfilled? Moreover, if Asiatics ask for anything new, he has undoubtedly a right to refuse it, but surely not on that account to break his promise. What Asiatics grieve over is the fact of the General making the acceptance of educational

[1] This was republished in *Indian Opinion* under the title "The Indian Struggle in the Transvaal".

[2] *The Star*, 11-8-1908, had commented editorially as follows: "...Mr. Gandhi accuses the Colonial Secretary of a flagrant breach of promise in that he declines to repeal the Asiatic Act, while on the other hand Mr. Smuts insists that the Asiatic leader now demands new concessions....But his [Mr. Gandhi's] testimony...is certainly not conclusive....When Mr. Gandhi goes so far as to accuse Mr. Smuts of 'murder' and 'organized robbery', even those who are not unsympathetic must feel sceptical of his trustworthiness in questions of fact....Mr. Smuts is the servant of Parliament and any promise he may have made to Mr. Gandhi was necessarily subject to the ratification of the legislature....[Accepting Mr. Gandhi's proposal would involve] the unrestricted admission...of the thousands of Indian lads who have been or are being educated in the schools of Natal [or India]....Whatever hardships the Asiatics have suffered they owe entirely to the recalcitrancy and folly of their leaders...they cannot complain when they are called upon to bear the consequences...."

270. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
August 12, 1908]

A number of the leading Transvaal Indians[1] left for Charlestown yesterday [August 12] with the intention of crossing the border into the Transvaal without giving evidence of identity....All of these are domiciled in the Transvaal, and all but one possess voluntary registration certificates. They will decline to produce their registration certificates, which must be demanded in accordance with the Asiatic Act. . . . on their refusal to supply particulars required by the Government, these men will be arrested. In that event they will plead guilty to the charge of refusing to comply with the provisions of the Asiatic Act in order that they may be imprisoned. . . .

A number of other Indians who are qualified to enter the Transvaal under the Immigrants' Restriction Act, but not under the Asiatic Amendment Act, will also probably try to enter the Transvaal within the next few days....

Mr. Gandhi said that the Bill will not satisfy the Asiatic communities, because they hold that it breaks the terms of the promises made by General Smuts when the compromise was arrived at, and that it sets up two kinds of legislation for the same class of people. The Bill does not protect Asiatics who they hold are entitled to enter the country, and have entered after the expiry of the three months appointed for voluntary registration, and also those Asiatics who were resident in the Transvaal on the date of the compromise, but did not take out voluntary registration certificates. These Asiatics have, in accordance with the new Bill, to be registered under the Asiatic Act. The result in some cases would be peculiar for the Asiatics. There are cases in which sons have taken out voluntary registration certificates, and fathers who were not in the Colony during the three months have not done so, and would therefore be called upon to register under the old Act. The Bill, they hold, only nominally exempts Asiatics who have voluntarily registered from the provisions of the Act. The Asiatics hold that there are two conditions to be fulfilled by the Government under the compromise. The one is that to all those who registered voluntarily the Act should not be applied. The other is that the voluntary mode of registration should apply to those who entered the Transvaal under the terms of the compromise. Both of these conditions, they say, are disregarded. Again, no provision has been made for pre-war Asiatic residents who have not yet returned to the Transvaal; such old residents, if they chose to accept the old Asiatic Act, could, under the discretionary clause, take out certificates of registration. As such Asiatics will not comply with the terms of the old Act, they will be debarred from entering. The same remarks apply to educated Indians who could enter the Colony under the Immigrants' Restriction Act, but who would become "unregistered" by reason of their non-compliance with the Asiatic Act.

[1] For the names, *vide* "Johannesburg Letter", p. 445.

(b) Children under 16 years were to be exempt from any registration.
(c) Such mode of registration was to be applicable to those who were entitled to enter the Transvaal but who were not in the Transvaal at the time of the compromise.
(d) To those who submitted to voluntary registration, Act No. 2 of 1907 was not to be applied.
(e) The voluntary registration was to be legalized in any other manner that the Government considered proper.[1]

6. These were supplemented by conversations that took place at interviews granted by the Hon'ble the Colonial Secretary to the Honorary Secretary of the British Indian Association.

7. At these interviews, the question of mode of legalization was discussed, and the Hon'ble the Colonial Secretary definitely promised that, if all the Asiatics in the Transvaal submitted to voluntary registration, the said Act would be repealed.

8. The said promise was referred to by the Hon'ble the Colonial Secretary in one of his speeches[2] delivered at Richmond soon after the compromise.

9. The Petitioners respectfully invite the attention of this Hon'ble House to the fact that all the Asiatics who had an opportunity of submitting to voluntary registration have done so, and that the others have been always ready to do so, but voluntary registration after the 9th of May has been refused.

10. The Bill before this Hon'ble House, therefore, is in conflict with the compromise in the following particulars:
(a) It does not repeal the said Act No. 2 of 1907.
(b) Whilst it seemingly validates voluntary registration under a separate measure, it does not definitely and unequivocally except voluntary registrants from the operation of the said Act.
(c) It does not exempt from registration the children under the age of 16 years of holders of voluntary registration certificates.
(d) It does not leave any opportunity for voluntary registration for Asiatics referred to in Sub-Paragraph (c) of Paragraph 5 hereof.

11. The Bill is, therefore, in the humble opinion of the Petitioning Association, in breach of the terms that were to be fulfilled by the Government.

12. The community represented by the Petitioning Association has no desire to take advantage of the voluntary registration certificates that were taken out by it in good faith.

[1] *Vide* "Letter to Colonial Secretary", p. 41.
[2] *Vide* Appendix VIII.

The Chairman[1] of the Natal Indian Congress, Durban, the Chairman[2] of the British Indian League, Cape Town, the Vice-President[3] of the Natal Indian Congress and the Joint Secretary[4] of the Natal Indian Congress, each representing a different faith or clan of India, accompanied by a few indentured Indians and a few who claim pre-war residence are today at the border either to be arrested and imprisoned, or to be passed unchallenged.

In my opinion, these facts represent strong, [gen]uine and invincible opposition to the Asiatic Act, and I am right in assuming that you do not intend to deal unjustly by those who are entitled to reside in the Transvaal. The[5] difference between you, as representing the Government, and the British Indians is very small indeed. I appeal to you once more, therefore, to revert to the draft Immigrants' Restriction Bill that was shown to me, and to accept the amendments suggested by me, leaving the question of educated Indians open, unless you can bring yourself to so amend the Act as to keep the door open for educated Indians being professional or University men. I ask you to study carefully the petition[6] to be presented to the House, and to answer to yourself whether the Bill published does not break the compromise in almost every particular. I ask you, then, to go back to the interviews we had before voluntary registration started, and to what you used to say. I ask you further to accept my assurance that there is absolutely no wish on my part or on the part of the leaders of the Indian community to seek for anything more than fair treatment of those who are *bona-fide* residents of the country.

If the proposal above made by me is not acceptable to you, I venture to suggest that you see a few Indian leaders and come to an acceptable arrangement which will carry out the spirit of the compromise and end a painful situation. If you cannot do either, I am afraid that the resolve to burn the certificates at the Mass Meeting on Sunday must be carried out. The sole responsibility for the advice rests on my shoulders.

I am,
Yours faithfully,

GENERAL J. C. SMUTS
PRETORIA

From the typewritten office copy: S. N. 4857

[1] Dawad Mahomed
[2] Adam Hajee Gool Mahomed
[3] Parsee Rustomjee
[4] M. C. Anglia
[5] The source has "...Transvaal, the...".
[6] *Vide* the preceding item.

husband. Coveting the goods, the Government will even miss the opportunity of sending people to gaol, with the result that Indians will grow more determined. This being the case, no Indian need be alarmed. When the Government seeks a settlement, Indians, if they have the courage, can demand compensation for those whose goods were auctioned.

This campaign in the Transvaal is of the greatest importance to Indians. Natal should watch it carefully. The Natal Act does not provide for imprisonment in the matter of licences. Only goods can be auctioned. From [the events in] the Transvaal, Natal Indians will see that the campaign has been made much easier by the auctioning of goods. If hawkers really hold out against the Government, they can compel it to yield. That is why true poverty means true wealth. What true poverty is, we shall consider on another occasion. For the present, Indians must bear in mind the need to endure the hardships, whatever they be.

[From Gujarati]
Indian Opinion, 15-8-1908

275. NEW BILL

The following Bill has been published in the Transvaal *Government Gazette* of August 11:[1]

BILL TO VALIDATE VOLUNTARY REGISTRATION OF CERTAIN ASIATICS WHO FAILED TO COMPLY WITH PROVISIONS OF ASIATIC LAW AMENDMENT ACT, 1907

1. Every person
   (a) who is an Asiatic as defined by the Asiatic Law Amendment Act [2 of] 1907; and
   (b) by whom an application for such voluntary registration as aforesaid was on the tenth day of February [1908], or on any day subsequent thereto up till the tenth day of May 1908, made to the Registrar of Asiatics or other duly authorized officials; and
   (c) to whom a certificate in the form set forth in the Schedule to this Act was issued by such Registrar

shall be deemed to be the lawful holder of a certificate entitling him to enter and reside in the Colony.

2. Every Asiatic as is described in section 1 who enters or is residing in this Colony shall, upon demand made upon him by any member of the police force or by any other official authorized thereto, shall produce

[1] The translation has been collated with the English text of the Act found in *Indian Opinion*, 5-9-1908.

276. SPEECH AT MASS MEETING[1]

[JOHANNESBURG,
August 16, 1908]

Last Sunday [August 16] afternoon witnessed such a scene as, it is to be hoped, may never need to be re-enacted in this country. Some three thousand British Indians gathered together purposefully. . .intent only upon consigning [the registration certificates] to the flames. . .The whole of the space looking westwards from the Fordsburg Mosque within the fence was packed with members of the Indian community. . . . It was a wonderful display of national unity, and one that the mother country might well be proud of. . . .

On the platform were the Congress leaders. . .various prominent Transvaal Indians. . . . Mr. Leung Quinn, Chairman of the Chinese Association, and Mr. Gandhi. . . Mr. Essop Ismail Mia presided over this vast gathering. . . beyond that, a sea of upturned and expectant faces, with determination and a bitter merriment stamped deep. . . . In the front row a dozen representative Chinese leaders grimly sat, awaiting the fateful moment. Briefly, the Chairman, first in Gujarati, and then, through the medium of Mr. N.A. Cama, detailed in measured accents the reason for calling the meeting together. . . .Then Mr. Gandhi addressed the gathering, after which the voluntary registration certificates were thrown into a large cauldron, saturated with paraffin, and set ablaze by Mr. Essop Mia in the name of the community.[2] Mr. S. Haloo who, it will be remembered, registered under the Act, now publicly burnt his badge of slavery, and poured oil upon the flames. . . .

MR. GANDHI'S SPEECH

The responsibility that devolves upon me this afternoon is a very serious responsibility. I have been taken to task, in connection with the advice that I have been giving to my fellow-countrymen for some length of time, by friends. I have been ridiculed by those who do not profess to be friends, and, yet, after due consideration, and, shall I say, prayer also, the advice that I ventured to give to my fellow-countrymen

[1] This report has been collated with another from *The Transvaal Leader*, 17-8-1908, and any additional information from it has been suitably incorporated in this item. For the resolutions passed at this meeting, *vide* Appendix IX.

[2] *The Transvaal Leader* describes this stage of the proceedings as follows: "A large three-legged pot was then filled with the registration certificates, about 1,300 in all, and about 500 trading licences. Paraffin was then poured in, and the certificates set on fire, amid a scene of the wildest enthusiasm. The crowd hurrahed and shouted themselves hoarse; hats were thrown in the air, and whistles blown. One Indian, said to have been a leading blackleg, walked on to the platform, and, setting alight his certificate, held it aloft. The Chinese then mounted the platform, and put their certificates in with the others. . . ."

them to accept the Asiatic Act? I say emphatically, no. I did not come out of the gaol before my time was up in order that I might leave the hardships that I was suffering there — personally, I was not undergoing any hardships whatever. It would be a far greater hardship to me to have to submit to indignity or to see a fellow-countryman trampled underfoot or his bread, to which he is justly entitled, taken away from him. I would pass the whole of my lifetime in gaol, and I say that in the House of God, in the House of Prayer, and I repeat it that I would far rather pass the whole of my lifetime in gaol and be perfectly happy than see my fellow-countrymen subjected to indignity and I should come out of the gaol. No, gentlemen, the servant who stands before you this afternoon is not made of that stuff, and it is because I ask you to suffer everything that may be necessary than break your oath, it is because I expect this of my countrymen, that they will be, above all, true to their God, that I ask you this afternoon to burn all these certificates. (Cries of 'we are ready to burn them'.) I have been told that the statement I have made lately with reference to the position of British Indians in this Colony has been misconstrued. I have read some remarks that have been passed upon that statement, and it is this : that I claim that this country belongs to British Indians just as much as it belongs to the Europeans—and I claim that claim, but what does that claim mean? I do not, therefore, mean that it is open to us to have an unchecked influx of Asiatics into this country. No, I claim to be a Colonist, I claim to have passed a fair measure of my life in this country, and if this country, the welfare of this country, demands that Asiatic immigration should not proceed unchecked, then I should be the first man to say, let that be so. If the majority of the inhabitants of this country demand that Asiatic immigration should cease—mind, I lay stress upon the term immigration—if Asiatic immigration should be under well-ordered control, then I say that I should also accept that position, but having accepted that position, I should claim that this country is just as much mine as any other Colonist's, and it is in that sense that I put forward that claim on behalf of my countrymen and I say also that it behoves the Colonists to recognize that claim. It cannot benefit the Colonists to have British Indians in the Transvaal who are not men but who may be treated as cattle even though it may be show-cattle. It will not do the Colonists any good, it will not do British Indians any good, and if that is the position that the Colonists or the British Indians take in this Colony, it will be far better that Indians are hunted out of this Colony and sent to India to carry their tale of woe to India rather than that they should remain in this Colony in the most humiliating position. It is in that sense that I claim that this country is just as much the British Indian's as it is the European's. What is this fight that we are engaged upon? What is its significance?

so much experience. Again, after the charge was made, I repeat it. When I come to contrast what he has been doing with what Captain Hamilton Fowle[1] did I can only say that, had Captain Hamilton Fowle been at the helm of affairs, we would not be face to face with a difficulty of this nature which not only stares the Indian community in the face but which stares the Government also in the face. Mr. Chamney is an estimable man, as I have often stated. He is above suspicion, but that is not all that is required in the head of a Department. The head of a Department has to know his work, he has to know the law that he wishes to administer, or the administration of which is given to him, and he has also to keep a cool head, and he has to be competent in the proper discharge of his duties. Mr. Chamney has been tried, and has been found wanting, and no matter how much attached General Smuts may be to Mr. Chamney, this is the charge that I can bring against him after very close acquaintance with the working of his Department. I cannot go into the illustration of the proposition that I lay down, but I do say that, unless Mr. Chamney is removed from that Department — I have no desire that anybody's bread should be taken away from his mouth—but, unless he is removed from this Department, there will be no peace. But what is more, Mr. Chamney has been less than a man in putting his signature before a Justice of the Peace to an affidavit that was made on oath to the effect that he was present on the interview on the 3rd day of February and General Smuts never promised repeal of the Act. I say that that affidavit is untrue. He not only listened to the promise made by General Smuts as to the repeal of the Act, but he repeated that promise to me; he mentioned that promise to me, if once, twelve times, and each time he said that General Smuts was going to play the game, that he was going to repeal the Act. There was once an occasion when I believe there was a fellow-countryman of mine in my company and he said, 'But remember that General Smuts also said that so long as there is a single Asiatic in the Colony who has not made a voluntary registration application that Act will be enforced against him'. Today the position is that there is no Asiatic, so far as I know, none to talk of, who has not made his application for voluntary registration. I now ask for a fulfilment of that promise, and if Mr. Chamney has made that affidavit, as he has made it, why, he has added some other disqualification to the disqualifications I have named, and I say again that unless Mr. Chamney is removed from that Department there cannot be any peace whatsoever. [Applause.][2]

Indian Opinion, 22-8-1908

[1] Permit Officer

[2] Gandhiji then addressed the meeting in Gujarati. The text of this speech is, however, not available.

STANDERTON HEROES

They were released this morning. Mr. Essop Mia, Mr. Bawazeer and others went from here to receive them [at the gaol gate]. A meeting was held after their release. Resolutions were passed at the meeting to the effect that the campaign should be continued to the bitter end, whatever the cost. A large number of certificates were collected at the meeting and sent to the Association for being burnt. Leaders from Heidelberg, Vereeniging, Krugersdorp and other places also took part in the proceedings.

[From Gujarati]
Indian Opinion, 22-8-1908

278. LETTER TO E.F.C. LANE[1]

PRIVATE

JOHANNESBURG,
August 20, 1908

DEAR MR. LANE,

Mr. Cartwright told me that I should write to you what I told him as to the decision of the meeting today, and to give my impressions also.

[1] This letter was published with the following introduction: "Owing to the manner in which the Transvaal Colonial Secretary made public use of a private letter in such a way as to induce in the minds of members of the Assembly a belief that the Indian community had forwarded an ultimatum on the question of a settlement, Mr. Gandhi, in his speech last Sunday, explained the circumstances fully. In view of General Smuts' breach of etiquette, we publish below the full text of Mr. Gandhi's letter, of which unauthorized extracts have already appeared."

Writing of these events from Yeravda jail some 15 years later, Gandhiji perhaps mistook his letter of August 14, 1908 to General Smuts (pp. 451-2) for this letter, and the mass meeting of August 16 (pp. 456-60) for that held on August 23 (pp. 473-6). The following excerpts from Chapters XXVI and XXVII of *Satyagraha in South Africa*, compared with extracts from contemporary statements or reports (in square brackets below), may throw some light on the genesis of this confusion.

"The weekly diary in *Indian Opinion*, asked [Indians] to hold themselves in readiness to burn the certificates if the Black Act was not repealed. [cf. "Johannesburg Letter", p. 369. "A mass meeting will be held on Sunday" (July 19, 1908). "Registers will not be burnt, not yet...the wisest course will be to wait till General Smuts publishes his draft bill". The draft bill was published on August 11; *vide* p. 454]. The bill was about to pass through the Legislature to which a petition [dated August 13, 1908, pp. 449-51] was presented...in vain. At last an ultimatum was sent to the Government by the satyagrahis. The word was not the satyagrahis' but of General Smuts who thus chose to style the letter...[Gandhiji himself preferred to call it an "Asiatic submission" rather than an "Asiatic ultimatum" (p. 470). The

3. The Asiatic Act to be repealed.

4. A general education test, with discretionary power as to its severity regarding educated Indians.

5. The terms as per [Sir] Percy's[1] notes to be embodied with the necessary changes in the new Bill.

6. Free re-issue of burnt certificates.

7. The essential clauses of the Asiatic Act, in so far as they may be necessary for a proper check over the Asiatic population and for prevention of fraud, to be re-enacted in the new Bill.

8. The draft Bill to be shown to the Committee of the Association for suggestions as to details.

It will be seen that this submission does not materially alter the terms as per Sir Percy's notes. I cannot see any difficulty in showing the Parliament and the country that repeal of the Act is simply a graceful act to soothe an unrepresented community in the Colony, without in any way relaxing the hold of the legislature on that class.

The Sorabjee incident raised the enthusiasm of the people to a white heat. It caused intense irritation. I assure you that the meeting as a whole went much further than I should ever care to go under the present circumstances, but it was by my deliberate promise to lead them in passive resistance if the promised repeal was not granted that I could persuade them to restrict the community to the above terms. I was disinclined to impose on my countrymen further suffering and was, therefore, prepared to waive a substantial repeal of the Act, so far as it became inoperative against all save those who had accepted it; but I am glad to say they would not listen to it, and they said they were prepared to suffer to the uttermost. I hope, therefore, that the Government will be pleased to accept the above terms and close the controversy. If they do, I, for one, shall refuse to go any further so far as the Asiatic Act is concerned.

One thing more. One speaker actually got up and suggested that the terms should include a clause asking for Mr. Chamney's removal. It was, however, not embodied in the terms; but I cannot help recording my opinion that Mr. Chamney is ignorant and hopelessly incompetent. This I say in the interests of the Colony at large. I have personally nothing against him. I have always received courtesy from him, but in spite of all my efforts to the contrary, I have not been able to see any competence in him for the office he holds. I am sure that he never knows from one hour to another what his decision should be, and the largest amount of irritation was caused in the initial stages of the working of voluntary registration purely through his vacillation and ill-considered decisions. I could give several instances,

[1] Sir Percy Fitzpatrick

for the guidance of all the Colonies, that the basis of distinction should not be colour, but education or some such qualification. That policy had been hitherto followed. At the Conference of Prime Ministers, Mr. Chamberlain placed that view before them for their acceptance.[1] Very few Asiatics had been able to enter Natal under the education test, not because India did not possess a large number of educated Indians, but because the educated Asiatics had ample scope for their abilities in India, China, and Japan; but there were some who undoubtedly must follow the traders, hawkers, and other classes of Asiatics. If they could not come to South Africa, and if the door was effectually shut even against them, the solution of the question would be far more difficult than it would otherwise be. If it were admitted that those Asiatics who had been domiciled in South Africa should remain in South Africa and should obtain fair treatment, it was natural that those who could lead them and who could act as interpreters between the races must also be allowed to come. What was to be the position of those Asiatics who were allowed to remain in South Africa? The people who had settled in South Africa had laid down certain conditions under which the nation that was now forming had to live. Was it possible, then, to eradicate from one's mind the problem of Asiatic residence? It was a very interesting and instructive study; but it passed his comprehension that in all the papers he had read from the pens of those who had made South Africa their home they had never taken into consideration what the feelings of the Asiatics or of the Natives themselves might be. What would they have to say to any solution that was suggested for their acceptance? Was it suggested that the Asiatics or the Coloured races must perforce accept any solution which was found for their treatment by the predominant race—the European race? He ventured to suggest that if they ever adopted that policy it was doomed to failure. It was possible, perhaps, for one, two, or three years to follow a policy of that nature; but he was certain they would find that both the Asiatics and the Natives would demand to be consulted with reference to their disposition. It was impossible to conceive that those races would ever allow the predominant race to dispose of them just as they chose.

Indentured Labour

Mr. Barker had first of all discussed the question of indentured immigration. The speaker observed:

There we are absolutely on common ground. I have said in season and out of season, whenever I have had the opportunity, that it is undoubtedly the introduction of indentured labour into Natal that has made the Asiatic question in South Africa possible at all. It was the introduction of indentured labour that was followed by free emigration of Asiatics from India. It was because Natal committed a very serious blunder in admitting indentured labour that posterity has to suffer, if it has to suffer. But the solution does not lie in compulsory repatriation. To my mind, it offends the feelings of humanity to suggest that a body of people should be allowed to enter a particular Colony to which they should give the best years of their lives and

[1] *Vide* Vol. II, p. 355.

white South Africa. There could be no question of segregation or restriction of their trading activities if they were to be treated as a Christian nation would treat them. The only solution was the one he had suggested.

Other speakers followed.

The Transvaal Leader, 21-8-1908

280. *INTERVIEW TO "THE TRANSVAAL LEADER"*

[JOHANNESBURG,
Before *August 21, 1908*][1]

There is a great deal of misunderstanding regarding the Indian position on the question of the admission of educated Indians. We contend that the Immigrants' Restriction Law, as it stands, does not debar educated Indians from entering the country, but nothing can be further from the Indian thought[*sic*] than that hundreds of Indian youth should be able to come into the country. All that we want is that the colour of the skin should not act as a 'bar sinister', and that professional Indians, who are necessarily required for the organic growth of the community, should be allowed to enter. This may not be even at the rate of one per year, because there will be no scope for many such men. They certainly cannot compete in trade, and, after all is said and done, the Asiatic question is very largely a trade question. What is, however, lost sight of is that it is not the Indians who have raised the education question, but it is General Smuts who wishes them to accept his reading of the law. He does not care to consult Indians when he wishes to pass any offensive legislation concerning them, but when it is a matter of fulfilling the Government's part of the compromise he, in effect, says, 'I shall fulfil the compromise if you accept this additional disability in the shape of a prohibition of the entry of educated Indians, no matter what their qualifications may be.' It is quite open to him to fulfil the promise of repeal of the Act, and at the same time in disregard of our sentiments to bring in the educational disqualification, and we will fight that question on its own merits. He has not consulted us with reference to the present Bill, which, to my mind, is a breach of the compromise on the part of the Government, and yet he refuses to pass a Bill which he had actually drafted repealing the Act because we object to a clause in it which, among others, disqualifies educated Indians.

Indian Opinion, 22-8-1908

[1] This interview to *The Transvaal Leader*, of which the original source is not available and which was republished in *Indian Opinion*, 22-8-1908, must clearly come before "Interview to *The Transvaal Leader*" of August 21 (pp. 470-2) which was republished in *Indian Opinion*, 29-8-1908.

education test. Prohibition, therefore, has been brought about by the presence of the Asiatic Act to which British Indians will not submit.

Surely then if we are restricting ourselves to the entry of highly educated Indians, it is we who give up something and not the legislature that will give us a new privilege. It is, therefore, preposterous to say that we are setting forth a new demand. The other points, in what has been called the Asiatic ultimatum[1], and what I would call the Asiatic submission, are really not matters of law but of administrative act. The recall of Sorabjee, we have humbly maintained, is a matter on which the Government should have yielded. The other points are too insignificant to be dealt with. All I feel is that for these small matters an otherwise admirable Bill will be wrecked, so far as I can judge. My countrymen will not accept the benefit of the provisions of the new Bill until the wrong I have referred to has been redressed and passive resistance will, therefore, unfortunately, have to go on. I have been advised not to lead the passive resistance trouble, but I cannot possibly—as one who prefers, or tries to prefer, his conscience to everything else—accept the advice, no matter what the consequences may be.

Indian Opinion, 29-8-1908

282. *INTERVIEW TO "THE TRANSVAAL LEADER"*

[JOHANNESBURG,
August 21, 1908]

Interviewed yesterday [August 21] in regard to the new Bill, Mr. Gandhi said:

The Bill, I must admit, is a vast improvement on the Validating Bill, which would undoubtedly have been a violation of almost all the terms of the compromise. It embodies, from a cursory glance at the summary published in *The Star*, the points which were discussed at the interview with the meeting of Het Volk and Progressive leaders. I am afraid, however, that it falls short of the terms proposed by the Asiatic Conference. It is a most unfortunate thing that the Government have not seen their way to grant the very limited concessions asked for by the Conference—namely, repeal of the Asiatic Amendment Act, and admission of highly educated Indians. The two points are most important for British Indians, but in my opinion of little importance from the Colonists' standpoint. Personally, knowing the law and its effect, I could reconcile myself to the present Bill standing side by side with the Asiatic Act of 1907 as a mere dead letter, but my countrymen cannot understand the intricate distinction. To them no law is a dead letter,

[1] *Vide* "Letter to General Smuts", pp. 451-2, "Letter to E.F.C. Lane", pp. 462-5 and footnote 1 on p. 462.

to dole out what they call concessions little by little, still refusing to return what to us is the main thing, and then exclaim, 'How magnanimous!' If, therefore, the very moderate request of my country[men] is not embodied in the new Bill, I very much fear, though I am very sorry, that the passive resistance will be resumed. General Smuts calls it a state of anarchy, lawlessness, and a declaration of war.[1] We call it a state of suffering, and pray to our Maker, our reliance being entirely on Him. It is indeed a declaration of war on the part of General Smuts against British Indians.

The Transvaal Leader, 22-8-1908

283. *NATAL'S BRAVERY*

Whom shall we single out for praise now? The Indians' star appears to be in the ascendant as they have been excelling one another. Natal has reached the apogee. The sight of Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. M. C. Anglia setting out for gaol, followed by young Indians, and of hundreds of persons going to the station to see them off, will strike terror in the heart of the enemy. How can anyone bear those ill-will, who come forward to act in this manner? Mr. Dawad Mahomed is an old man. He left his wife in the later stages of her pregnancy and went off in the service of the motherland. Mr. Parsee Rustomjee took only a few hours [to make up his mind] and then indicated his readiness to go to gaol. Mr. Anglia gave up his business to go to gaol. Which of them shall we praise? Which of them shall we congratulate on his courage? When all of them are brave, Indians are beginning to wonder if there is any need to compliment [any individual]. Let us hope things will always go on in this fashion.

[From Gujarati]
Indian Opinion, 22-8-1908

[1] "It is a movement which is really tantamount to an act of war and really amounts to a state of anarchy," said Smuts, moving the first reading of the Asiatics' Registration Amendment Bill on August 21.

the incarceration of over 200 Indians before we could gain the admission from General Smuts that his law was bad, that it was unworkable, and that it would be removed from the Statute-book. It again required the incarceration of nearly 100 Indians before we could gain what we have through the Validation Bill, and I have no hesitation in making this admission, that the Validation Bill, is a vast improvement on the old Asiatic Act, much of the irritating clauses have been removed, the great religious objection has been removed, our oath has been preserved, and, for this, all honour to the Government, all honour to the Progressive Party, and I am now in a position to tell my countrymen, that if they do not choose to fight for a principle but if they have wished to demonstrate to the world that they were fighting only that they might be able to keep their solemn obligation but not that they might be able to keep their own status in the country, I can freely advise them to accept the Validation Act, but if it is their desire, as I hope it ever was their desire, that we have undertaken this battle not merely for our personal benefits, but in order to fight for a principle or a bundle of principles, then I have no hesitation in asking my countrymen to undergo further suffering, but, whether they do so or not in a body, whether the majority of the Asiatics choose to accept the benefits that the Government have so liberally given, as they put it, it is open to them to do so; but so long as I remain in this country, it is my desire to oppose the measures of the Government until we get the redress to which we are entitled, until the promise that I still declare General Smuts made in connection with the repeal of the Act is fulfilled, and until the status of highly educated Asiatics is placed on a firm footing. These are no new demands. The Colonists or the Government, by giving us a little, inch by inch, make the Colonists believe that they are conceding what they need not have conceded, but I deny that position absolutely. I take the position that the Chairman has taken, and it is only when these two things have been fulfilled that we shall have got what was our own or what should have been our own. I draw your attention to this fact, that General Smuts himself has told us now and told the world that the natives of South Africa, the Zulus and Bantus, get treated the same as the Europeans, if they possess the same educational qualifications as the Europeans, but the poor Indian and the poor Chinaman cannot do that. [Cries of "shame!"] If the natives of South Africa may not have the colour bar, why should the British Indian, why should the Chinaman, have the colour bar? Why should the Indian and Chinaman be subjected to the colour bar, have to labour under this colour disability? It is quite enough that we consent to the influx from British India being stopped entirely; but the stopping of that influx does not mean—it never meant—that educated Indians were to be shut out of this country or that they could enter it only

ward fit for everything that the trustee has been doing for the ward? Are the Government fitting us, their wards, for full citizenship? Do they hold out any such hope at all? And if they do why is there so much resentment, why should there be sustained cheering in the House of Parliament when General Smuts derides the idea of partnership? Yes, partnership undoubtedly. British Indians will not remain in this country or in any country under the British flag as slaves. They will demand to remain in this country, as also in any part of the British Dominions, as men, and so long as we do not claim this, I think that we do not deserve British citizenship, and, seeing that it is my intense prayer to the Almighty that my countrymen live as full British citizens, so long must we continue to work that we may have given to us these rights. (Applause.)[1]

General Smuts had called what was really a private letter "an ultimatum". (Laughter.) It was nonsense; there was no such intention. He [Gandhiji] asked the Government and the Colonists to trust them [the Indians]; to believe that "we shall play the game", and to recognize the very just demands of the Indian community with reference to the repeal of the Act and the status of the highly educated Indians should be preserved. Let them not be called upon to wear the bar sinister. He believed that Sorabji was entitled to remain in the country under the Immigration Restriction Act, for the point was still unchallenged. Those who remained in this country and those who would come after must be treated as men and not as dogs.

Indian Opinion, 29-8-1908
12-9-1908

The Transvaal Leader, 24-8-1908

285. LETTER TO COLONIAL SECRETARY[2]

JOHANNESBURG,
August 24, 1908

THE COLONIAL SECRETARY
PRETORIA

SIR,

I have the honour to enclose herewith a report of the proceedings that took place yesterday, and the Resolutions passed at the Mass Meeting[3]. The Meeting was attended by over 3,000 Indians. The feeling of those who were present at the Meeting, so far as I have been able to gauge it, is unmistakable.

[1] The following paragraph, which is not found in *Indian Opinion*, is from *The Transvaal Leader*.

[2] This was published under the title "A Last Appeal".

[3] Of August 23, 1908; *vide* the preceding item. For Resolutions, *vide* Appendix XI.

You have drawn a parallel between Mr. Sauer's remarks on the Dealers' Act at the Cape and a general education test in an immigration Act, which would have the effect of preventing an unrestricted influx of Asiatics into a British Colony. May I remind you that Mr. Sauer has dealt with a farcical Court of Appeal consisting of prejudiced persons? I, too, should agree with the hon'ble Member, and even go further than he has done, when fellow-traders are appointed a Court of Appeal for the question of a licence being granted to one of themselves. It is not only hypocrisy[1] and humbug[2] but downright injustice. I, however, see nothing wrong in an Immigration Act which provides against an indiscriminate entry of a class of people, the distinction being based not on their race or colour but on an educational qualification. If what my countrymen claim is a quibble, surely the Parliament of the Colony should have sufficient magnanimity to concede a quibble. The fact is that it is not a quibble. The Colony wishes to establish a new principle and to draw a sharp colour line. It wishes to override the late Mr. Rhodes' formula of equal rights for all civilized men south of the Zambesi, and it wishes also to fundamentally change the British policy. We would be less than men if, after having suffered for nearly two years, we were to quietly accept such a violent departure from British traditions, without making a supreme effort and without showing to the world that, although our own status can be made a little more bearable under the new Bill, we would reject the benefits thereunder, if we cannot successfully oppose the new departure.

You seem to think that Mr. Sorabjee's deportation is the last word on the interpretation of the Immigrants' Restriction Act. The future will show whether it is so. In the meanwhile, may I remind you that Mr. Sorabjee was convicted not under the Immigrants' Restriction Act as a "prohibited immigrant" but under the Asiatic Act for being an unregistered Indian. He entered under the Immigrants' Restriction Act, but he came under the disability imposed on him by the Asiatic Act, which Mr. Sorabjee would not accept.[3]

[*I am, etc.*,
M. K. GANDHI]

Rand Daily Mail, 26-8-1908

[1] & [2] These words were used by Sauer in the Cape Legislative Assembly.

[3] *Vide* "Trial of Sorabji Shapurji-II", pp. 356-7 and "Trial of Sorabji Shapurji-III", p. 377.

that he had a Peace Preservation Ordinance Permit and a registration certificate under Law 3 of 1885, both of which documents were produced before the Court.

Addressing the Court, Mr. Gandhi remarked upon the strangeness of the proceedings. Here was a man arrested and convicted under the Asiatic Act, whose rights were fully safeguarded under the Act[1] that had just been passed. Either the Government intended to stick to their new measure or they did not. In view of the delicate relations that existed at the present time he had specially asked that this case should be remanded until next Monday, but whilst the Prosecution was willing to meet him in this, instructions had been received by the latter from Pretoria to proceed. It certainly reflected upon Pretoria methods of administration.[2]

Indian Opinion, 29-8-1908

289. *JOHANNESBURG LETTER*

Wednesday [August 26, 1908]

What Have We Gained through New Bill?

Again, this time, I will have to discuss the latest news first. The new Bill was passed by both the Houses within 24 hours. This only shows that they still do not give our feelings due consideration.

The Bill contains almost everything [we wanted]. I have no time for a detailed explanation. But the Bill obviates the objections regarding the Turkish Muslims. Voluntary registrants will not come within the scope of the Act as also others who may [voluntarily] register themselves in future. This will enable the community to keep its pledge inviolate. But there are two things which the Bill does not contain. The obnoxious law will be repealed in effect; but it will remain as a dead letter. The Indian community has every right to oppose this [proposal]. Mr. Smuts made a promise [to repeal it]. But, what is more important, [the rights of] the educated have not been safeguarded. I am afraid that there is going to be a long-drawn-out struggle over this issue. It is the duty of the Indian community to put up a fight.

Who Should Be Treated as Educated?

This question is often discussed. What the Indian community wants is that all educated persons should have equal rights under the law. But though rights may remain equal in theory, Indians may in practice be subjected to a more severe test than the whites. This is what happens in Natal and the Cape. The test for Indians [in these

[1] Asiatics' Registration Amendment Act, 1908

[2] A report of the subsequent proceedings is not available; *vide*, however, the following item, p. 481.

Other News

Mr. Ibrahim and Mr. Hassan Mia, both butchers, went to gaol on Tuesday to serve a sentence of eight days' imprisonment for trading without a licence.

Mr. Ahmed Motara, who has been thrice imprisoned for offering satyagraha, was released today (Wednesday). His courage deserves to be followed by everyone.

In Pietersburg, Mr. Taiyab Moosa Memon has gone to gaol.

In Pretoria, a large number of Indians have gone to gaol. I hope to be able to mention their names later. They all deserve to be congratulated. A telegram says that one of them was manhandled by the police in Court. The matter is being inquired into. Even if one has to suffer violence to one's person, that must be borne for the sake of one's country.

Mr. Nadirsha Cama is likely to lose his job for having spoken at the last meeting. But this does not bother him. He had made up his mind to fight for the community.

Mr. Sorabji Shapurji Adajania has been wanting to enter the Transvaal again. It is only because the Association has restrained him that he has not done so already.

An unsatisfactory reply has been received from the Government about food [in gaol]. The matter is being pursued further.

I must tell the large number of persons who are impatient to come in that, for the present, only those who hold genuine permits may do so. Others may not come. They should not become restive about this.

The Chinese Association had asked the Durban gentlemen over yesterday (Tuesday). They have a very fine club of their own. The Indians are without one. Altogether there are probably only a thousand Chinese [in the Transvaal]. We are here in our thousands. It is humiliating that even so we do not have a comparable club of our own.

In England, Mr. Ritch has been taking great pains[1]. A large meeting of Indians has been called in London to protest against the deportation of Sorabji.

[From Gujarati]

Indian Opinion, 29-8-1908

[1] Keeping sympathizers and the Imperial authorities informed of the problems of Transvaal Indians

My Association admits that mealie meal forms part of the diet scale for Indian prisoners in the Natal gaols, but my Association does not agree with the inference drawn therefrom that mealie meal is suitable for Indian prisoners. Happily, throughout South Africa, very few Indians are incarcerated and, therefore, the question of the diet scale has not hitherto occupied the attention of Indian public bodies, but now, in view of the unusual position that has been created in the Transvaal, the question has become one of very great importance, and, unless the authorities intend to disregard Indian habits and sentiments entirely, my Association submits that an investigation in the manner suggested by me is absolutely necessary.

I venture also to point out to you that you have omitted to mention that the Natal scale, whilst it retains mealie meal as part of the diet for British Indians, provides for bread also, thus enabling Indians at least to fall back upon four ounces of bread. I beg also to point out that, according to the Natal scale, for prisoners undergoing a sentence beyond 42 days, treacle is added to the ration of mealie meal, and that for others the scale is fairly liberal, much more so than the Transvaal scale. My Association, therefore, respectfully trusts that the matter will be reconsidered.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 12-9-1908

292. *COMMENTS ON TRANSVAAL INDIAN CAMPAIGN*

[*August 28, 1908*][1]

"THE TRANSVAAL LEADER"

Under an article entitled "Mistakes", the *Leader* points out that, perhaps due to heavy pressure of work, the Colonial Secretary is unaware of how the law is being administered in relation to the Asiatics. An Indian, who could not register voluntarily, as he happened to be away in a remote district, was arrested last Wednesday. He had not taken any part in the campaign. He was arrested even though protection for

[1] Dawad Mahomed and the other Natal businessmen were arrested on August 27; *The Transvaal Leader* commented on this event in its issue of August 28. From what follows it is clear that Gandhiji's summary of the Press comments on the campaign was made soon after.

has encouraged [the growth of] liquor shops. [Because of them,] panders and money-lenders flourish and other similar crimes are on the increase. We have decisively closed the door on the Asiatics but it should be closed also to this refuse [from Europe]. By doing so we will make it clear that in the matter of entry into this country, we do not discriminate against the black and the yellow [races] because of their colour. Those who want to make this country truly "European" will agree that our Natives and law-abiding Asiatics are preferable to this garbage [from Europe]. We want peasants who will raise crops, diligent workers who will man the industries and thereby add to the Colony's prosperity. There are already too many traders and speculators in this Colony.

Reply

Mr. Gandhi has addressed a long letter[1] to the editor of *Pretoria News* in reply to the above, arguing that the Government cannot be held to have fulfilled its promise. It is true that the new Bill grants some measure of relief, and the obnoxious Act is reduced to a dead letter. But the Government has not allowed his [Indian] brethren to derive any satisfaction from this. Prosecutions have been going on under the obnoxious Act. It was promised that the Act would be repealed, and the promise must be carried out. On the issue of immigration also, he [Mr. Gandhi] said that educated Asiatics should have equal rights with others.

[From Gujarati]
Indian Opinion, 5-9-1908

293. *SPEECH AT MEETING IN HAMIDIA MOSQUE*

[Johannesburg,
August 30, 1908]

Mr. Gandhi addressed a meeting of Indians at the Mosque, Fordsburg, yesterday afternoon, when he made special reference to the deportation of the Natal leaders. The audience expressed whole-hearted approval of the plan of campaign and the announcement that the deported leaders would cross the borders on their return journey probably that night was received with great enthusiasm. Mr. Gandhi also announced that five more Natal Indians would be arrested at nine o'clock this morning, and would be deported.

The Transvaal Leader, 31-8-1908

[1] Not available

come within the scope of sub-sections (3), (4), (5), (6), (7) or (8) of the definition of "prohibited immigrant".

4. The Governor may from time to time enter into agreement with the government of any colony or territory in South Africa for the doing of such acts or things as are necessary or expedient for the carrying out of the objects and purposes of this Act.

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction

(i) to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(ii) to be removed at any time from the Colony by warrant under the hand of the Minister and pending such removal, to be detained in such custody as may by regulation be prescribed; provided that

(a) such prohibited immigrant may be discharged from such detention if he find two approved sureties in this Colony (each in the sum of one hundred pounds) for his leaving the Colony within one month;

(b) if such prohibited immigrant be sentenced to imprisonment such imprisonment shall terminate as soon as he is removed from the Colony.

6. Any person who

(a) is convicted after the date of the taking effect of this Act of a contravention of sections three, thirteen or twenty-one of the Immorality Ordinance, 1903, or any amendment of such sections; or

(b) is deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of this Colony if he remain therein; or

(c) having been ordered under any law to leave this Colony fails to comply with the terms of such order

may be arrested and removed from this Colony by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation; provided that no such person as is in paragraph (b) hereof described shall be removed from this Colony except on the order of the Governor; provided further that every such person arrested shall be discharged from custody unless an order be made by the Governor for his removal from this Colony within ten days after the date of his arrest.

7. Any person who

(1) wilfully aids or abets a prohibited immigrant in entering or remaining in this Colony; or

(2) wilfully aids or abets a person ordered to be removed under section six in remaining in this Colony; or

(3) enters into, or purports to enter into, a contract as employer with any person outside this Colony with intent that the provisions of this Act be evaded or at the time of entering or purporting to enter into such contract shall be unable to fulfil his part thereof or has no reasonable expectation of being so able; or

APPENDIX II

THE DRAFT GOLD LAW IN THE TRANSVAAL[1]

EXTRAORDINARY PROVISIONS

A Transvaal *Government Gazette Extraordinary* was issued on the 30th ultimo, containing "a Bill to consolidate and amend the Law relating to prospecting and mining for precious and base metals and to provide for matters incidental thereto". The draft Bill contains 137 sections, and occupies 23 pages of the *Gazette*. We take from this Bill the portions relating to Coloured persons. Section 3 contains, amongst others, the following definitions:

"Coloured person" shall mean any African or Asiatic Native or coloured American person, coolie or Chinaman.

"Mining District" shall mean one of the districts into which the Colony is for the time being divided in accordance with this Act; and, when used in reference to land, shall mean the mining district in which such land is situate.

"Proclaimed Field" shall include all proclaimed land, and so much of any unproclaimed land as may be declared portion of a proclaimed field under this Act or is at the commencement thereof a portion of a proclaimed field.

"Proclaimed Land" shall mean land proclaimed a Public Digging under this Act or Law No. 15 of 1898 or a prior law, provided it has not been lawfully deproclaimed.

SECTION 24. When land, being a Native Location, or portion of a Native Location, is proclaimed a Public Digging, the following provisions shall apply:

(1) The chief and tribe occupying the Location shall retain the right to graze their stock thereon in so far as such right does not interfere with prospecting and mining.

(2) All kraals, and such lands as were habitually under cultivation and irrigation for two years prior to the date of the notice of intention to proclaim, shall be reserved for the use of such chief and tribe, unless they consent to the reservation not being made.

(3) Sufficient water shall be reserved for the domestic purposes, and for watering the stock of such chief and tribe.

(4) If such Location be Crown land, there shall be granted to the Chief and tribe as compensation for the land, of the use of which they have been deprived by the grant of discoverers' rights or by the Location being proclaimed a Public Digging, the use of an equal area of other land.

(5) If such Location belong to such chief and tribe, any person who has become the holder of the mineral rights, may, in addition to any rights which he may obtain as a discoverer, select a mynpacht of a size to be fixed by the Minister for Native Affairs

[1] This summary is by Gandhiji; *vide* p. 177.

(3) Nothing in this section shall apply to Coloured persons in the employ of a white person in so far as they live on the premises where they are so employed.

Indian Opinion, 4-4-1908

APPENDIX III

THE ETHICS OF PASSIVE RESISTANCE

PRIZE ESSAY

M. S. Maurice

I

Nineteen centuries ago one of the greatest moralists of the world laid down his life in passive resistance to constituted authority in what was then a great centre of spiritual activity. The ground for the resistance was unquestionably valid, as it has continued down to this day a memorable and living example of loyal submission to human law, where such submission was not in direct conflict with the higher law of conscience. The resistance had reference to an injunction that a living faith in a superhuman or divine power was to be abjured, and a claim to spiritual kingship over a certain race of people was to be renounced in favour of the temporal power then existing. "We found this fellow perverting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ, a King." To Pilate's question, after asking him whether he put the question of himself, Jesus said: "My Kingdom is not of this world: if My Kingdom were of this world then would My servants fight." His death on the cross has ever been a unique episode in the world's history—a magnificent example of what disobedience to the law really meant. There was no question as to the doubtful character of the authority which sought to enforce the decree of death by crucifixion. The illegal nature of the punishment was not in itself a matter of dispute. It was harsh; it was unjust; it was rigorous in the extreme; it was wholly unmerited. But he who found himself placed in subjection to the law as it then operated, and to the authority which asserted itself in carrying out that law, deemed it within his right, in obedience to his conscience, to resist both, but in a passive manner: there was no idea of resisting it by force. A combination of his servants and followers against the law would have been a direct condemnation of his faith. A concerted action to enforce his claim by physical means would have been derogatory to his moral character and to his high mission. And so the man who had the most powerful force behind him, by virtue of his transcendent moral sway—a force irresistible in its inherent strength, and overwhelming in its ultimate result, if put into effect—preferred to resist the law by submitting to the dread decree pronounced against him for breaking the laws' (to him) unlawful demand.

During the same epoch of Christian history, and but a few months after the consummation of Christ, a holy man met martyrdom at the hands of his adversaries. His offence was "speaking blasphemous words against Moses and against God". He, however, proved a passive resister. His detractors proceeded to open violence. He

do not become rulers or framers of laws for their fellow-men. Similarly, too often those who attain to power are inconsiderate, tyrannical, unjust. If proof were needed, it will be found ready to hand from almost every country and from every age. To take a recent case in point from a nation in the front rank, I would cite the passive resistance offered by a large section of highly educated people in England against the last Education Act. Here we have a form of government which has undergone a purifying process during centuries of civilization—a government which, by common admission, has reached almost the highest limit of advanced democracy, in which power is attained by a just and equitable process—by sheer force of intellect and reason—a government which bears on the face of it every element of moral right and expediency. Yet we see a law promulgated apparently in the best interests of the whole community, but which proves in its operation, directly antagonistic to, and unacceptable by a large, intelligent and otherwise obedient section of that community. Numerous laws are in operation to which it gives willing and unquestioned obedience, but, owing to reasons which have swayed humanity in all ages, it finds that its conscience revolts against the new measure. The new enactment caused a serious conflict in their minds: it warred against their sense of right. It therefore simply declined to do the law's bidding and accepted the consequent penalties.

Laws are said to be made for the safety, the security and the protection of the interests of the people: they are not made to chastise and oppress. They must be guided by reason, necessity, expediency—in the interests of all. They must injure none: they must not remorselessly override the domain of reason and conscience. They must act with justice and circumspection. "Render unto Caesar that which is Caesar's" does not mean that men should resign themselves body and soul to the law, at the law's bidding. Three times within my knowledge has a high-minded, law-abiding and intelligent citizen met the laws' injunctions by paying the required fine instead of complying with the law which demanded that he should have his child vaccinated. On moral grounds he was right not to set aside his conscientious scruples. To salve his conscience he became a passive resister. In the words of Thoreau, this man was a man first and a subject afterwards. He obeyed the law of conscience before blindly complying with the alternative of man-made law. "It is not desirable to cultivate a respect for the law so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right."

III

Passive resistance is indeed an extreme course with an honest man; he is generally driven to that course by the stress of physical power, and hence his action is not unjustifiable on moral grounds. If passive resistance on the part of a minority in a state becomes an imperative necessity, then the majority cannot continue strong for long; it is bound to weaken and become effete as to its action in the matter of enforcing its power or its authority against that minority. And passive resistance of subjects, who are not even legal units of a lawful or legally constituted Government, has all the more reason for its action, in a given case, since such a Government

IV

Upwards of four centuries before the advent of Christ, Socrates, of Greece, was reputed to be the wisest moralist of his age. His unflinching integrity made him many enemies. The State, or rather those in power in the State, accused him of corrupting the Athenian youth and of despising the national gods. He was indicted in a regular manner. His chief offence consisted in his heeding the divine voice or inward monitor, which people in those times did not comprehend as clearly as he did. He declared that his *dæmon* rebuked him for misconduct, and commended him for every good word and work. He was in advance of his times. And for his originality, integrity and wisdom he was condemned to death. When one of his disciples exclaimed "How shameful to condemn a man so innocent!" Socrates asked if his friends would think it less shameful if he were guilty. Here was a man who, abandoning all speculations as regards the material world, fearlessly taught "that the proper study of mankind was man", was derided, reviled and then condemned to undergo the extreme penalty of the law. The law of conscience was accounted nothing in those days as it is still considered of little account in reference to human laws and administrative enactments, under our present forms of civilized government. The Delphic Oracle pronounced Socrates the wisest of men. To this he made a characteristic declaration: "Whereas other men thought they knew something, he alone had attained to this element of true knowledge, he knew that he knew nothing."

Passive resistance is emphatically submission to physical force under protest. "Resist not evil," said Jesus of Nazareth, and Socrates, by drinking the poison, refrained from resisting what he had adjudged in his own mind as evil. How far this consorts with the philosophy of Plato, another brilliant heathen sage, will be apparent from the following prophetic picture of the Man of Sorrows whom the western world has defined:

> A man perfectly good, virtuous and just; not one who wishes to appear so before his fellows, but one who is really and sincerely so. We strip him of his good name . . . deprive him of everything except his intrinsic goodness. Without doing wrong, we will suppose him to be accounted an evil doer, that his virtue may be tried so as by fire. . . . Neither infamy nor ill usage, neither poverty nor distress, neither the malignity of persecution nor the pain of cruel torture can make him swerve from the path of duty. Death stares him in the face, but he remains unshaken; branded as a sinner, he is still a saint . . . . To complete the picture, we will suppose this godly man to be beaten with bats, scourged with whips, put to the torture, laden with chains, nailed to a cross, numbered with transgressors, and yet without sin.

Plato wrote thus, three centuries before the advent of Christ. His further definition of a modern passive resister is almost inspired:

> A bad man is wretched amidst every earthly advantage; a good man—troubled on every side, yet not distressed; perplexed, but not in despair; persecuted, but not forsaken; cast down, but not destroyed.

code the dividing line between active disobedience and passive resistance in simple and homely words:

> At first my way with men was to hear their words and give them credit for their conduct. Now my way is to hear their words and look at their conduct. . . . To see what is right and not to do it is want of courage.

I will conclude in the words of Macaulay, so eloquent and so pregnant with meaning:

> The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws. . . But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

Indian Opinion, 18-4-1908

APPENDIX IV

REPORT OF NATAL IMMIGRATION DEPARTMENT

The report of the Natal Immigration Department for the year 1907 has been published by its head, Mr. Harry Smith. Below are some interesting facts from it.

The revenues of the department for the year 1907 exceeded those for 1906 by £178.4.8. Revenues from embarkation pass fees increased by £58 [during the same period]. While other departments have to be financed by the Government, the Immigration Department pays its way.

During the year under review, 27,522 passengers arrived, of whom 15,958 were British, 2,262 Chinese and 8,171 Indians. The number of indentured Indians was 6,489, of whom 3,942 were men, 1,641 women and 906 children. In all 5,206 were detained [for verification of claims]. Of these 323 were Arabs, 256 Chinese, 2,459 Indians, 317 Sinhalese and 1,407 from Zanzibar, other miscellaneous groups accounting for the rest. While in 1906 nine certificates were issued to persons who passed the education test, 59 such certificates were issued in 1907.

A total of 11,425 domicile certificates was issued in 1906 and 12,483 in 1907. Seventy-nine certificates were confiscated as they were found to be in possession of persons other than those to whom they were issued. Of those who were detained [for the verification of their claims] four persons—one white and three Asiatics—escaped. The white was later apprehended and sent back. From among those who were detained, although they had passes, 12 escaped. In all 16 persons, some of whom were notorious white criminals or women of ill repute, were deported.

RESOLUTION 4

This Mass Meeting hereby authorizes and instructs the Chairman of the British Indian Association to forward copies of the preceding resolutions to the Hon'ble the Colonial Secretary, and to His Excellency the Governor of the Transvaal, for transmission to the Imperial Secretaries of State for the Colonies and India.

This resolution was proposed by Mr. Mulji G. Patel.

Indian Opinion, 27-6-1908

APPENDIX VI

CHAMNEY'S AFFIDAVIT

[PRETORIA,]
June 25, 1908

I, Montford Chamney of Pretoria, Registrar of Asiatics, make oath and say:

1. That I have read the Petition of the above named applicant[1] with affidavits annexed served on me as Registrar of Asiatics.

2. I respectfully submit that the allegations set out in paras. 3, 4, 5, 6, 7, 8, 9, 10 and 14 of applicant's affidavit[2] and in the affidavits[3] of Essop Ismail Mia and Mohandas Karamchand Gandhi are irrelevant to the issue in this action. However, in regard to the allegations made, the letter[4] dated 29th January, 1908 addressed to the Colonial Secretary by Mr. Gandhi and others and the reply[5] dated 30th January, 1908, of the Colonial Secretary set out the whole position.

3. Ad. Para. 7 of the Petition I say that agreeably to the aforesaid letter of the 30th of January, 1908, I accepted from applicant a written application for registration.

4. Ad. Para. 11: the application made by the Applicant was on a Government form and is filed on record in my office, and I am unable to part with or return the same.

With regard to the documents submitted with that application, viz., the Petitioner's Permit issued under the Peace Preservation Ordinance, and his registration certificate issued under Law No. 3 of 1885, there is no objection and has never been any to the return of the same to the Applicant, immediately all necessary identification enquiries have been made.

Owing to the large number of applicants and the necessity of dealing with their applications in different batches, the Vereeniging applications, among which is that of the applicant, have only lately been taken in hand.

[1] E. I. Aswat

[2] The full text of Aswat's affidavit is not available; for his petition to the Transvaal Supreme Court, *vide* pp. 311-3.

[3] *Vide* pp. 313-6.

[4] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[5] *Vide* "Johannesburg Letter", p. 65.

APPENDIX VII

REV. J. J. DOKE'S LETTER TO "THE TRANSVAAL LEADER"

[*July 4, 1908*]

[THE EDITOR
THE TRANSVAAL LEADER
SIR,]

We all deplore the reappearance of the Asiatic difficulty. When passive resistance came to an end five months ago, we earnestly hoped that the trouble would never recur in such a form. It dislocated trade; it filled our prisons with men who, as General Smuts said, were "not criminals", it embarrassed the Government, and made us all feel extremely wretched. The resuscitation of this would be indeed a calamity. We still hope it may be averted. It behoves us to work for this end, "with both hands earnestly". But at present the outlook is very serious, and those who should know best say passive resistance is once more inevitable.

My apology for writing is that I have some knowledge of the subject as it appears from the Asiatic point of view, and that a re-statement of it may be of some value at this crisis.

The Colonial Secretary has at last agreed to repeal the objectionable Asiatic Law Amendment Act. This, I believe, is inevitable to any just and hopeful settlement. When the compromise was being effected, circumstances placed me at the very focus of the trouble, and I am convinced from personal knowledge that the Asiatics did not doubt that the repeal of the Act was an essential part of the agreement. The Colonial Secretary himself fostered this conviction in his speech[1] at Richmond, published in the Press of February 6, when he said: "He had told them (i.e., the Asiatics) that the law would not be repealed so long as there was an Asiatic in the country who had not registered". And again: "Until every Indian in the country had registered the law would not be repealed". This prospective repeal was thus evidently made an incentive to obtain the registration of all the Asiatics. This is simply to show that these men had good ground for believing what is now so emphatically denied. But the Colonial Secretary has now agreed to repeal the Act[;] only unfortunately in offering this concession, he has attached conditions to it which the Asiatics deem themselves unable to accept. These conditions are new to the subject. The idea has apparently been promulgated that the Asiatics have brought forward new claims. This is untrue. The conditions insisted on by General Smuts are new claims, not one of them having been contemplated in the compromise.

Briefly, they amounted to this:

(1) That the Immigration Restriction Act shall not be regarded as applying to Asiatics in respect of admitting educated men to residence here. This has always been

[1] *Vide* Appendix VIII.

It is well to have a clear perception of the principle at stake. In these "terms" the spirit of autocracy is dominant. The Asiatics claim simply the interpretation and protection of the Supreme Court. They do not resent the "Immigration Restriction Act". They only claim that it be not interpreted by any official, however exalted he may be, but by the recognized Court, and by that judgment they will stand. They do not resent the rejection of Asiatics by Mr. Chamney, and their deportation, but they claim that no official shall be made supreme. They ask for the right of appeal in such cases to the well-balanced judgment of a properly constituted tribunal. It is a protest against new claims not contemplated in the compromise, and against the spirit of autocracy which dominates them. But surely, while these points are of supreme moment to the sufferers, they are not, after all, vital matters, so far as our Government is concerned. There can be no inrush of Asiatics under the stringent tests possible by enforcing the Immigration Restriction Act, and there can be no loss of prestige in acting justly. To these men the new conditions involve so much that I understand they are prepared to return to the position in which the compromise found them, and that passive resistance will be commenced again in a few days! Cannot something be done even now to effect a settlement without suffering such a calamity? We recognize that whatever is done must be a real settlement this time. I trust a patchwork will be tolerated by no one. But we may rest assured of this, that there will be no such thing as final settlement unless justice and good faith are alike satisfied.

[*Yours etc.*,
J. J. DOKE]

Indian Opinion, 11-7-1908

APPENDIX VIII

GENERAL SMUTS' SPEECH IN RICHMOND

The following is a condensation of the speech.

[*February 5, 1908*]

In 1906, when the Government felt it right to put a stop to [the stream of immigrants,] . . . a law was introduced in the Legislative Council and passed. The object was to register in the most unmistakable way . . . every Asiatic who was legally entitled to be here. . . . to give a definite status to the Indians who were here before the war and to see that the rest of Asia was kept out of the country . . . the Home Government would not . . . assent to the law.

The first Parliament of the Transvaal met in March last and unanimously approved of [a similar bill and] it was assented to . . . .

APPENDIX IX

RESOLUTIONS AT MASS MEETING

[JOHANNESBURG,
August 16, 1908]

RESOLUTION I

This Mass Meeting of British Indians hereby protests against the Asiatic Voluntary Registration Validation Bill now before the Parliament of the Transvaal, and endorses the Petition presented to the Hon'ble the Legislative Assembly on behalf of the British Indian Association.

Proposed by Mr. Dawad Mahomed (President, Natal Indian Congress)
Seconded by Mr. Adam H. Gool Mahomed (President, British Indian League, Capetown), and
Supported by Mr. Parsee Rustomjee (Vice-President, Natal Indian Congress),
Mr. M. C. Anglia (Joint Secretary, N. I. Congress), and
Mr. V. A. Chettiar (Chairman, Tamil Benefit Society).

RESOLUTION II

This Mass Meeting of British Indians solemnly, sincerely, and prayerfully reaffirms the Resolution of the British Indian community not to submit to the Asiatic Act, which it considers to be contrary to religion and their conscience.

Proposed by Mr. Imam Abdool Kadir Bawazeer (Chairman, Hamidia Islamic Society),
Seconded by Mr. T. Naidoo and Maulvi Ahmed Mukhtar, and
Supported by Messrs Ebrahim Aswat, Dildar Khan, E. M. Cachalia, R. K. Padiachy (Pretoria), V. Chetty, P. K. Naidoo, and M. P. Fancy

RESOLUTION III

This Mass Meeting of British Indians is of opinion that the Asiatic Voluntary Registration Validation Bill above referred to is a breach of the compromise entered into by the Government with the Asiatic communities, and hopes that the Colonists will demand an honourable fulfilment of the terms entered into by General Smuts on behalf of the Government of the Colony and in the name of the Colonists.

Proposed by Mr. Abdul Rahman (Potchefstroom)
Seconded by Mr. E. M. Patel (Vereeniging), and
Supported by Messrs R. S. Chokalingam Pillay, Harishankar Joshi (Durban),
A..E. Chhotabhai (Krugersdorp), and Amod Suliman Khota (Heidelberg)

RESOLUTION IV

This Mass Meeting of British Indians hereby authorizes the Chairman to forward copies of these Resolutions to the proper quarters.

Indian Opinion, 22-8-1908

against the finger-print requirements. . . " Then there is some reference to the relaxation of the finger-prints. This offer was accepted by me, and from it two questions have arisen: the first whether the permission was given to repeal the Act. I do not think that any court of law could put such an interpretation on my promise. The consequence was that an Asiatic who registered voluntarily could do so under another Act, and not under Act 2 [of 1907]. The Asiatics took the matter to the [Supreme] Court, and Sir William Solomon took the view that the interpretation of the agreement was entirely different from the construction which the Asiatics placed upon it. Well, Sir, it was then stated that, although this correspondence contained no compromise to repeal the Act, yet in interviews which I had with Mr. Gandhi, I promised to repeal it. That is not so, and the impression may be the result of a misconception. . . . The second difficulty arose in consequence of the provision that voluntary registration should also apply to those Asiatics who . . . were out of the Colony but who were entitled . . . to return . . . My answer . . . was that there was a compromise made for a specific period—three months—pending the meeting of Parliament. I could not promise that . . . at a future date Asiatics coming into this country should be left to register as they wished . . . . further difficulties arose on two points. One point was the entry of these people after the period of the compromise expired, and the other was the contention of the Asiatic leaders that under the Immigration Act as framed last year educated Asiatics were entitled to enter the country. . . . provision should be made whereby Asiatics who could pass a slight education test under the Immigration Act should be allowed to . . . enter the country. That is a view of the law and a policy that I could never admit. (Hear! hear!) . . . Large numbers of people who otherwise were undesirable would be free to enter the country, and that I would never allow. Then the passive resistance movement started once more. Meetings were held, speeches of an inflammatory character were made, certificates were burned . . . I think it was really unnecessary. I intended to stick to the letter of the arrangement I had made with the Asiatics, and in consequence a Bill was published . . . to validate these voluntary registrations . . . public feeling in the country was already very strong, and I consulted . . . with Hon. Members . . . of the House to see what would be the best way of arranging the difficulties . . . the suggestion was made that we should come together with some prominent members of the Asiatic [community] and discuss the difficulties. We met them . . . and I think this Bill does fairly and reasonably meet every objection and every difficulty . . . with the exception of one—and that is the difficulty . . . in connection with the educated Asiatics. They put the difficulties in this way—that under Act 2, 1907 . . . Turkish Mahomedans, subjects of the Turkish Empire, were excluded from this country. It was urged that that was . . . casting a slur and stigma on the Mahomedan religion . . . That objection . . . we have met. . . . The next point refers to the Asiatics who were resident in the Transvaal before the war, but who do not fall within the terms of the law of last year, which mentioned two tests for Indians . . . Either they [were] required to have the Peace Preservation permit . . . or had to be in this country on May 31, 1902 . . . Hon. Members will see a provision in the Bill that, if Asiatics were residents in the country three

APPENDIX XI

RESOLUTIONS AT MASS MEETING

[*August 23, 1908*]

RESOLUTION I

Mr. Dawad Mahomed, Chairman of the Natal Indian Congress, moved:

This Mass Meeting of British Indians respectfully prays that the Government will be pleased to exercise the clemency of the Crown and allow Mr. Sorabjee Shapurjee, who was permitted to cross the border unchallenged under the Immigrants' Restriction Act and who was brought under the operation of the Asiatic Law Amendment Act, to return, and trusts that the disputes outstanding between the Government and the British Indians will be amicably settled, and that the Government will be pleased to recognize the status of British Indians as part of the Empire, and give the community the rest and peace to which, in the humble opinion of this Meeting, it is entitled.

This was seconded by Mr. Parsee Rustomjee and carried.

RESOLUTION II

Mr. Geo. W. Godfrey moved:

This Mass Meeting of British Indians humbly prays that the Imperial Government will not sanction the Asiatic Voluntary Registration Validation Bill until the status of highly educated Asiatics and the repeal of the Asiatic Law Amendment Act of 1907 are secured.

Mr. N. A. Cama seconded and it was carried.

Indian Opinion, 29-8-1908

and forefinger of the left hand only were registered; the ten-finger system was confined in India to criminals alone....The attitude of His Majesty's Government was, first, timorous protest, and then reluctant assent to all that the Colonies did.

EXTRACTS FROM LORD CURZON'S SPEECH

The question came before us in India in a twofold aspect in relation both to Natal and the Transvaal. The Government of Natal...sent a deputation...to ask us to agree to the repatriation of [indentured] labourers....We were willing...provided we could...secure the relaxation of the hardships...under which the free...Indian population of Natal then laboured....the Natal Government declined to accept our proposals....Your Lordships are all aware of the cruel and disabling restrictions...placed upon the Indian population in [the Transvaal]. They were one of the...causes of the war. As soon as the war was over we felt it our duty...to address the then Secretary of State upon the subject....A little later Lord Milner came to us with a request... for 10,000 and afterwards...20,000 [Indians] to inaugurate railway labour in the new possessions....We agreed...and once again...used the position to endeavour to get better terms for the free Indians in the Transvaal. I am sorry to say that we failed.

...[the compromise] is one that seems...honourable to both parties....the Blue-book...leaves a rather disagreeable taste in the mouth....[The Transvaal Government] rushed through their anti-Indian legislation with...almost indecent speed. Secondly, there was failure...on the part of General Botha to act up to the undertaking...to find some method of identification superior to that of finger-impressions... (Hear! Hear!)....the system and method of finger-impressions that were proposed in the Transvaal were undoubtedly humiliating....Then...there was a failure on the part of the Transvaal Government to distinguish...between...Indians of good social status and refined education and the Indians of lower class...whose competition really had to be feared. That is the charge...which we are justified in bringing against the authorities in the Transvaal....Well, we have now arrived at a settlement of the question; but I imagine that His Majesty's Government will be the last to argue that that temporary settlement is a final settlement of the question. I am sure that your lordships realize that this question is in reality about the most momentous and the most far-reaching which could possibly confront any body of statesmen.

Let me...state to your lordships...the Indian point of view....the Indian coolie...sees that [he is] invited and even encouraged by our Government to emigrate ...to a colony which he enriches by his labour, and then society there appears to turn round upon him and treat him as if he were a pariah dog. He is penalized there, not for his vices, but for his virtues....And then the Indian remembers that...he has fought for the British Empire...and that it was largely owing to his efforts that Natal was saved....Now...he claims the full rights of citizenship of the British Empire. I do not think it is for us to blame him for that...it is, after all, the only basis upon which you will expect the loyalty of an Asiatic population to an alien rule to be permanently developed or maintained....

...The colonial point of view is entirely different....I realize that...in a way, it is quite unanswerable...if [the Colonist] is selfish it is only in the pursuit of...self-

APPENDIX XIII

SOUTH AFRICA BRITISH INDIAN COMMITTEE

REVISED LIST OF MEMBERS

PRESIDENT

Lord Ampthill, G.C.S.I., G.C.I.E., &c.

MEMBERS OF COMMITTEE

Ameer Ali, Esq., C.I.E.; Sir S. C. Bayley, K.C.S.I.; T. J. Bennett, Esq., C.I.E.; Sir Mancherjee Bhownaggree, K.C.I.E.; Sir George Birdwood, K.C.I.E., C.S.I.; Sir Charles Bruce, G.C.M.C.; Sir William Bull, M.P.; Maj. Gen. Sir Owen T. Burne, G.C.I.E.; E. P. S. Counsel, Esq., LL.D.; Harold Cox, Esq., M.P.; Maj. Sir Wm. Evans Gordon; Sir Frederic Fryer, K.C.S.I.; Sir F. S. Lely, K.C.I.E., &c.; Sir Roper Lethbridge, K.C.I.E.; Ian Malcolm, Esq., J.P.; Sir William Markby, K.C.S.I.; Dadabhai Naoroji, Esq.; J. H. Polak, Esq. J.P.; L. W. Ritch, Esq.; J. M. Robertson, Esq., M.P.; Dr. V. H. Rutherford, M.P.; Sir Edward Sassoon, Bart., M.P.; Sir Chas. Schwann, Bart., M.P.; A. H. Scott, Esq., M.P.; T. Thornton, Esq., D.C.L., C.I.E.; Sir William Wedderburn, Bart.; Sir Raymond West, K.C.S.I.; The Rt. Rev. The Bishop of Southampton; The Rt. Rev. J. C. C. Welldon, Dean of Manchester.

EXECUTIVE COMMITTEE

CHAIRMAN: Sir Mancherjee Bhownaggree, K.C.I.E.

MEMBERS: Ameer Ali, Esq., C.I.E.; Harold Cox, Esq., M.P.; J. H. Polak, Esq., J.P.; J. M. Robertson, Esq., M.P.; A. H. Scott, Esq., M.P.; Sir William Bull, M.P.; L. W. Ritch, Esq.

Indian Opinion, 15-8-1908

CHRONOLOGY

(*January – August, 1908*)

January 1: Transvaal Immigrants' Restriction Act[1] (No. 15 of 1907) came into force. Mass meeting held at Surti Mosque, Fordsburg, to protest against TIRA and Transvaal Asiatic Registration Act[2] (Law 2 of 1907).

January 3: Gandhiji appeared in Johannesburg Court to defend Nawab Khan and Sumandar Khan prosecuted under TARA.

January 4: British Indian Association[3] informed Receiver of Revenues that, if Indian traders not registered under TARA were refused licences, they would trade without them.

Gandhiji pointed out in a letter to *The Star* that TARA rested on an unproved charge against Asiatics.

Smuts in speech at Mayville said that Indians had been misled by their leaders and declared that no Parliament in the country could repeal TARA.

After *January 4:* Gandhiji attempted unsuccessfully to see General Smuts regarding his speech at Mayville.

January 6: In interviews to *The Star* and *The Transvaal Leader* Gandhiji summed up Indian position against TARA.

January 8: Told Reuter that, if TARA was suspended, all Indians would be registered within a month.

Before *January 10:* Writing in *Indian Opinion*, reiterated Indians' determination to face imprisonment and deportation.

Gandhiji adopted the term "satyagraha" as Gujarati equivalent for passive resistance.

January 10: His last message to Transvaal Indians exhorting them to remain steadfast.

Assured *The Star* that Indians would register voluntarily if element of compulsion in TARA was withdrawn.

Addressed a meeting before his trial.

[1] Henceforth referred to as TIRA in brief
[2] TARA henceforth
[3] BIA henceforth

Unsuccessfully sought another interview with Smuts.

In interview to *Rand Daily Mail* and *The Transvaal Leader* discussed the "compromise" and his treatment in prison.

Addressed midnight meeting, a thousand strong, in precincts of Hamidia Mosque.

Formally released from prison.

Spoke at BIA meeting explaining settlement.

In interview to Reuter suggested that Asiatics with domiciliary rights be assimilated in future South African nation; agreed with Smuts that indenture system in Natal should be stopped.

January 31: All satyagrahis released.

In Press interview Smuts said that Asiatics could trade without licences pending legalization of compromise. Said that demand for repeal of TARA was preposterous and Indians had not persisted in it.

February ?: In Cape general elections South African Party led by Merriman returned to power.

February 1: Gandhiji wrote to Smuts against Government's intention to legalize voluntary registration under TARA and proposed that this be done by amendment of TIRA instead.

In interview to Press, refuted charge of organized surreptitious entry of British Indians, on which TARA was based.

February 2: Declared at BIA meeting in Johannesburg that, if violence was to be used against those giving finger-prints, he should be first victim.

February 3: Met General Smuts who in Chamney's presence repeated promise to repeal TARA if Transvaal Asiatics registered voluntarily.

G. K. Gokhale asked at meeting of Viceroy's Council if India Government were aware of "the depth and intensity of public feeling" at the "injustice and indignities" of Transvaal Indians. Replying for Government Findlay said that they sympathized with their Transvaal subjects and had reason to hope "current negotiations" would remove their "just grievances".

February 4: Lord Ampthill's call-attention motion in House of Lords. Lord Curzon also spoke.[1]

February 5: *The Times*, London, blamed Colonial Office for "lack of imagination" in not having urged Imperial interests on Transvaal

[1] *Vide* Appendix XII.

Left for Phœnix along with a "merry party" to "meet my family" after convalescence.

March 10: Sir Lepel Griffin died in London.

March 14: At dinner, said to be the first of its kind in South Africa, BIA gave gifts to whites who had helped in satyagraha campaign.

March 17: In Calcutta, Lord Minto declared that failure of crops in United Provinces had affected 50 million people. Famine conditions had developed in U.P. in September 1907.

March 18: Number of voluntary registrants in Johannesburg increased to 5,090.

March 21: T. J. Bennett, Proprietor-Editor of *The Times of India*, wrote to Lord Ampthill confirming representative character of Bombay meeting.[1] Men of all races including European merchants and officials exercised over question.

March 24: In Canada, Supreme Court nullified Government's deportation order on 146 Indians who had arrived by s.s. *Monteagle;* they were consequently released.

March 26: Lord Selborne speaking at Klerksdorp declared that "East is East: West is West" and that, because "white man's civilization is expensive", he could not compete with Indian trader. Suggested reservation of unoccupied portions of Empire for Asiatic settlement. British and Boer were equal partners in British Empire.

Before *March 30:* Dr. C. O'Grady Gubbins, Colonial Secretary, announced Natal Government's intention to enact legislation to discontinue immigration of indentured labour and to stop issue of licences to "Arab" traders after ten years.

March 30: Bill to amend Transvaal Gold Law published in *Government Gazette Extraordinary.*

April 6: H. S. L. Polak enrolled as attorney of Transvaal Supreme Court.

April 10: Transvaal Municipal Association passed resolutions saying that Natives and Coloured persons should be denied municipal franchise and right to own freehold land and made to live in Locations and trade in Bazaars.

[1] *Vide* entry for January 29.

May 12: In telegram Chamney announced that all Asiatics entering Colony after May 9 should register under TARA. Gandhiji wrote to Smuts asking that this misunderstanding of compromise be clarified.

May 13: Transvaal Municipal (Consolidation) Bill gazetted. Bill envisaged empowering Municipalities to deal with traders and denying hawkers right of appeal to law Courts regarding administrative decisions on licences.

May 14: Gandhiji wrote to Cartwright saying his services as mediator might again be required.

Wrote to Lane saying that period of three months in compromise letter was never intended to apply to Asiatics returning to Colony or otherwise possessing right of re-entry; urged Smuts to accept voluntary registration of new arrivals and repeal Act.

Before *May 15:* Deputy Labour Minister Mackenzie King, who returned to Canada on April 26 after consultations about Indian immigration with Imperial Government, announced in Dominion Parliament that there was no "necessity of enacting any legislation either in India or Canada" to solve problem.

May 15: Lane wrote to Gandhiji saying Colonial Secretary could not depart from earlier decision.

Before *May 16:* Gandhiji met Cartwright; decision to interview Smuts taken.

Natal Mercury, *Times of Natal*, *The Star*, and the *Leader* deprecated Natal Bills.

May 16: In interview to *The Star* Gandhiji welcomed Natal Bill to stop indentured immigration; condemned other two Bills.

Following Smuts' emphatic refusal to extend voluntary registration facilities to Asiatics with domiciliary rights but entering after three-month compromise period, accused Smuts, in weekly newsletter, of "foul play" but still hoped latter would repeal TARA.[1]

May 17: Essop Mia, Chairman, BIA, assaulted by a Pathan.

May 18: Speaking at Y.M.C.A., Johannesburg, Gandhiji claimed that Coloured races were an integral part of the Empire and declared his faith in mission of British to raise subject races to equality with themselves.

[1] Cf. *Satyagraha in South Africa*, Ch. XXV.

May 30: In letter to *Indian Opinion*, announced that satyagraha would be resumed.

Telegram from Chamney, in reply to Gandhiji's of 29th, to say that latter's draft Bill for amending TIRA had been misplaced and asking for another copy. This was sent.

Gandhiji wrote to Lane asking for permission to publish correspondence with Smuts between February 1 and 22.

Before *June 1:* Draft "Ordinance" to restrict Asiatic immigration into Southern Rhodesia gazetted.

June 1: Gandhiji informed over 'phone that Smuts had called Cabinet meeting to consider Indian issue; his reply would be sent on June 2.

Before *June 2:* Met Chamney at Winchester House.

June 2: Eminent white sympathizers met and reaffirmed support to Indian cause.

Question in Imperial Parliament whether His Majesty's Government intended to intervene in view of threatened breach of compromise and revival of Indian agitation.

June 4: Gandhiji invited to meet Smuts on June 6 to discuss new draft of validation Bill.

In another letter Lane refused permission to publish correspondence with Smuts.

June 6: Gandhiji met Smuts; discussed mode of validating voluntary registration, his draft amendment of TIRA and right of future Asiatic immigrants to voluntary registration. Smuts assented TARA was wholly bad and served no useful purpose. Emergence of disagreement about categories of Asiatics whose right of domicile was to be recognized under proposed legislation. Gandhiji asked for assurance of repeal of TARA, else he would move Supreme Court for return of applications.

Wrote to Cartwright asking him to persuade Progressives not to obstruct repeal of TARA.

June 12: Sent Smuts a telegram announcing decision to move Supreme Court for return of applications on advice of eminent counsel. Smuts asked him to an interview the next day.

Before *June 13:* Gandhiji wrote in *Indian Opinion* against Rhodesia Bill for compulsory registration of Indians.

June 13: Met Smuts who promised decision within a week; move to approach Supreme Court put off by a week at meeting of BIA Committee.

June 24: Mass meeting in Johannesburg announced community's resolve to withdraw applications and reaffirmed resolution of September 11, 1906 not to submit to TARA.[1]

Sorabji Shapurji entered Transvaal to test right of educated Indians.

In India, Tilak arrested on charge of sedition for his articles in *Kesari*, entitled "The Country's Misfortune" of May 12 and "These Remedies Are Not Lasting" of June 12.

June 25: Chamney filed counter-affidavit.[2]

June 26: Smuts filed affidavit saying he had never promised to repeal Act.

Chamney filed another affidavit to same effect.

June 29: Gandhiji and Aswat filed replying affidavits reaffirming earlier declaration about Smuts' promise.

Before *July 2:* In weekly news-letter, Gandhiji declared that satyagraha was no longer struggle for self-interest but for rights of others—the three categories of "prohibited immigrants".

Burning of registration certificates—if "voluntary" applications were not returned—mentioned for first time as means of continuing satyagraha.

July 2: Aswat's petition rejected by Supreme Court.

Gandhiji wrote to Transvaal Press, releasing his correspondence with Smuts for publication.

July 4: In letter to *The Transvaal Leader*, Rev. Doke argued that Indians' campaign against TARA was fully justified.

Before *July 5:* Reported offer by Smuts, sent through white mediators, to concede right of entry to holders of £3 registration certificates and to provide for appeal to Courts against Chamney's decisions rejecting claims of voluntary registrants. In return, Indians were to agree to exclusion of educated Asiatics. Indians turned down offer.

July 5: Meeting in Hamidia Mosque considered situation arising from Supreme Court's ruling and decided to burn registration certificates following Sunday.

[1] *Vide* Appendix V.

[2] *Vide* Appendix VI.

July 20: Ebrahim Ismail and Suliman Bagas tried and sent to jail as unlicensed "hawkers".

Gandhiji appeared in Court to defend Sorabji Shapurji; Shapurji sentenced to a month's hard labour under PPO, not TIRA.

Indians wishing to enter Court assaulted by police.

Addressing meeting outside Court, Gandhiji asked traders to court arrest by trading without licences as protest against proposed deprivation of educated Indians' rights.

Affidavits filed by Polak and others complaining of Police misbehaviour.

Speaking at mass meeting, Gandhiji exhorted Indian traders not to affix thumb-impressions on their licence applications under TARA.

Wrote that "burning of registers is postponed for time being but their collection need not be".

July 21: Bawazeer, Chairman, Hamidia Islamic Society, arrested for hawking without licence.

July 22: Gandhiji appeared in Court to defend Bawazeer and others.

Ratanji Laloo's appeal dismissed in Supreme Court. In judgment, Justice Solomon said Asiatics might be admitted under TIRA education test.

Four hundred out of 800 Indian hawkers reported to have taken out licences under TARA.

Imperial Government announced they had instructed Lord Selborne not to assent to Rhodesian Asiatic legislation pending consideration by Secretary of State for Colonies.

In India, Tilak sentenced to six years' transportation and fine of Rs. 1,000.

July 23: Indian traders all over South Africa observed hartal as a mark of respect for Bawazeer.

In Cape Town and Durban, meetings passed resolutions protesting against sentences on Transvaal satyagrahis.

In Turkey, Sultan Abdul Hamid accepted restoration of parliamentary government.

July 26: Gandhiji spoke at mass meeting, held to felicitate Imam Bawazeer and other satyagrahis on their release.

More "voluntary" certificates and hawkers' licences handed over to BIA for burning.

July 27: Harilal Gandhi arrested for hawking without licence.

August 11: *Transvaal Leader* editorial described "the harrying of the Asiatics" as "part of a deep statesman-like plan"; "we have sought earnestly for the statesmanship; and we are a little tired."

Bill to validate voluntary registration of Asiatics published in *Government Gazette*.

August 12: In interview to *The Transvaal Leader*, Gandhiji explained that proposed bill to validate voluntary registration violated terms of compromise. It did not repeal TARA, nor did it specifically exempt voluntary registrants from scope of Act. It required minors and fresh entrants to register under TARA.

A *Daily Telegraph* correspondent wrote, as quoted by Ritch, that "there was no doubt that the Government intended to repeal Registration Act.... In fact, the Registrar of Asiatics read him some of the more important provisions of the Act... [as] approved of by Mr. Smuts".

August 12-13(?): Dawad Mahomed, Parsee Rustomjee, Anglia, Randeria and other Durban leaders entrained for Johannesburg to test their domiciliary rights in Transvaal.

August 13: Petition to Transvaal Legislative Assembly reiterating that proposed Bill violated compromise.

August 14: Gandhiji wrote to Smuts appealing to him once more to respect compromise, accept his amendment of TIRA or to meet Indian leaders with a view to a settlement; failing that, certificates would be burnt following Sunday.

Wrote to George Farrar, Leader of Opposition, detailing his objections to validation Bill.

August 16: Addressed mass meeting in Johannesburg which resolved to oppose TARA; registration certificates burnt.

August 18: Went to Pretoria at General Smuts' invitation to meeting attended by Botha and Smuts and members of Progressive Party. Government offered to alter validation Bill saying specifically that TARA would not apply to voluntary registrants and minors.

August 19: Gandhiji visited Sorabji Shapurji in prison.

August 20: Meeting held to consider modified version, proposed by Government, of validation Bill.

Gandhiji wrote to Lane incorporating following demands of meeting: (1) repeal of TARA; (2) entry of educated Indians under

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